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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

FORTY-SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

Being the Fourth Session of the Third Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO, ON THE NINTH DAY OF JANUARY, IN THE YEAR OF OUR LORD
ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

1879



212048
9:5:27

HIS HONOUR

THE HONOURABLE DONALD A. MACDONALD,
LIEUTENANT-GOVERNOR.

Toronto:

PRINTED BY JOHN NOTMAN,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1879.



PRINTED BY
C. B. ROBINSON,
JORDAN ST., TORONTO.

BOUND BY
W. WARWICK,
WELLINGTON ST., TORONTO.



ANNO QUADRAGESIMO DUO.

VICTORIÆ REGINÆ

CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-nine, and for other purposes therein mentioned.

[Assented to 11th March, 1879.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by Messages from His Honour the Honourable Donald Alexander Macdonald, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-nine; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) Two million three hundred and sixteen thousand six hundred and twenty-five dollars and twenty-two cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and seventy-nine, as set forth in Schedule "A" to this Act.

\$2,316,625.22
granted out of
the Consol-
idated Revenue
Fund for cer-
tain purposes.

2. Out of the estate of the late Andrew Mercer, deceased, Grant from
the Mercer Estate

to Eye and Ear Infirmary. the sum of one thousand dollars shall and may be applied towards the erection of a Provincial Eye and Ear Infirmary in connection with the Toronto General Hospital, to be called "The Andrew Mercer Eye and Ear Infirmary."

Accounts to be laid before the Legislature. **3.** Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys. **4.** Any part of the money appropriated by this Act out of the Consolidated Revenue which may be unexpended on the thirty-first day of December, one thousand eight hundred and seventy-nine, shall not be expended thereafter.

Expenditure to be accounted for to Her Majesty. **5.** The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE "A."

Sums granted to Her Majesty by this Act for the year one thousand eight hundred and seventy-nine, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray expenses of the several Departments at Toronto :

Government House.....	\$5,580 00
Lieutenant-Governor's Office.....	3,350 00
Executive Council and Attorney-General's Office.....	14,480 00
Treasury Department.....	16,100 00
Secretary and Registrar's Office.....	25,975 00
Department of Public Works.....	19,672 00
" " Agriculture.....	1,200 00
" " Immigration.....	1,400 00
Inspection of Public Institutions.....	7,350 00
Crown Lands Department.....	50,780 00
Miscellaneous.....	9,460 00
	<hr/>
	\$155,347 00

LEGISLATION.

To defray expenses for Legislation.....	111,000 00
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ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Court of Chancery.....	\$20,545 00
Court of Queen's Bench.....	9,520 00
Court of Common Pleas.....	5,360 00

Superior

Superior Judges and Court of Appeal	\$15,850 00	
Practice and other Courts	4,900 00	
Criminal Justice	164,000 00	
Miscellaneous Justice	65,292 00	
	<hr/>	\$285,467 00

EDUCATION.

To defray expenses of:—

Public and Separate Schools	\$240,000 00	
Inspection of Public and Separate Schools	29,250 00	
Schools in New and Poor Townships	12,000 00	
Collegiate Institutes and High Schools	75,500 00	
Inspection of Collegiate and High Schools	7,500 00	
Departmental Examinations	7,500 00	
Training of Public School Teachers	14,550 00	
Superannuated High and Public School Teachers	39,900 00	
Normal and Model Schools, Toronto	22,600 00	
Normal School, Ottawa	11,500 00	
Educational Museum and Library	1,925 00	
Maps, Apparatus, etc.	22,000 00	
Educational Depository	9,035 00	
Education Office	21,175 00	
Miscellaneous Expenses of Education	6,159 00	
	<hr/>	\$520,594 00

PUBLIC INSTITUTIONS—MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto	\$85,282 00	
Asylum for the Insane, London	104,116 00	
Asylum for the Insane, Kingston	56,652 00	
Asylum for the Insane, Hamilton	34,649 00	
Asylum for the Insane, Orillia	22,516 00	
Provincial Reformatory, Penetanguishene	26,720 00	
Central Prison, Toronto	86,115 00	
Institution for the Deaf and Dumb, Belleville	37,859 00	
Institution for the Blind, Brantford	28,015 00	
School of Agriculture, Guelph	21,970 00	
School of Practical Science, Toronto	2,680 00	
	<hr/>	\$497,831 67

IMMIGRATION.

To defray expenses of:—

Agencies in Europe	\$7,800 00	
Agencies in Canada	2,400 00	
Dominion Government for services by its Agents	9,500 00	
Carriage of Immigrants in Ontario, including Main- tenance	5,000 00	
Provisions for same, including Medical attendance	5,500 00	
Assistance money, by way of payment, in reduction of passage money to selected Immigrants, specially consigned to Ontario	6,000 00	
Inspection	500 00	
Contingencies	800 00	
	<hr/>	\$27,000 00
		Agriculture,

AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

To defray expenses of a grant in aid of:—

Electoral Division Societies, 81 at \$700	\$56,700 00
Electoral Division Society, 1 at 550	550 00
Electoral Division Societies, 6 at 350	2,100 00
“ “ “ outlying Districts.....	300 00
Fruit Growers' Association	1,300 00
Entomological Society	750 00
Dairymen's Associations	3,000 00
Agricultural Association	10,000 00
Statistical Bureau	1,000 00
Poultry Associations	700 00
For sundry services in connection with Agriculture and Arts, such as investigation of diseases in animals and crops, and of ravages of insects; and for agri- cultural instruction, dairy products, and other charges not otherwise provided for.....	2,000 00

ARTS:

Mechanics' Institutes.....	27,000 00
Art Union, Toronto	500 00
School of Art and Design, Toronto	2,100 00
School of Art and Design, London.....	500 00

LITERARY:

Canadian Institute, Toronto.....	750 00
Institut Canadien, Ottawa.....	300 00
Athenæum, Ottawa	300 00
	<hr/> \$109,850 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of:—

Hospitals and Institutions mentioned in Schedule A of Statute, 37 Vic. chap. 33	\$43,700 83
Institutions in Schedule B	16,608 19
Institutions in Schedule C	13,560 42
	<hr/> \$73,870 44

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure as follows:—

License Law	\$4,000 00
Collection of revenue for law stamps and licenses....	1,500 00
Municipalities and other funds	500 00
Settlement of Municipal Loan Fund	150 00
Marriage Licenses.....	200 00
Ontario Rifle Association.....	600 00
Insurance of Public Buildings and Furniture.....	11,315 00
Consolidation of Statute Law.....	600 00
Expenses of Elections.....	35,000 00
Expenses of Contested Elections.....	4,000 00
Revision Voters' Lists.....	1,000 00

Gratuities

Gratuities.....	5,000 00	
Allowance to late Superintendent of Education.....	4,000 00	
Brock's Monument	500 00	
Allowance to Counties under provisions of 30 Vic. c. 31.	4,948 89	
Expenses in suit <i>Hiscox vs. Attorney-General</i>	1,000 00	
Stereotyping Revised Statutes.....	1,500 00	
Expenses in suit <i>Queen vs. Curl</i>	240 00	
Balance due Canada Car Company.....	5,354 00	
Osgoode Hall—for water supply	250 00	
Northwest Boundary.....	1,000 00	
Widow of the late Judge VanNorman	600 00	
Grant to aid in establishing a market for Ontario manu- factures and agricultural products in European and Foreign Countries.....	4,500 00	
		<hr/> \$87,757 89

PUBLIC BUILDINGS.

To defray expenses at the works at the Asylum for the Insane, Toronto	\$7,450 00	
Asylum for the Insane, London	9,610 00	
“ “ “ Hamilton.....	30,121 64	
“ “ “ Kingston.....	17,475 00	
“ “ “ Idiots Orillia	1,200 00	
Reformatory, Penetanguishene.....	7,632 13	
Central Prison, Toronto.....	15,965 73	
Deaf and Dumb Institute, Belleville	4,891 00	
Blind Institute, Brantford.....	6,651 50	
School of Agriculture, Guelph ..	4,500 00	
Normal School and Education Office, Toronto.....	2,000 00	
Normal School, Ottawa	16,000 00	
Osgoode Hall, Toronto	1,500 00	
Government House, Toronto.....	3,000 00	
Parliament Buildings.....	1,500 00	
District of Algoma	900 00	
Thunder Bay District.....	1,000 00	
Nipissing District	200 00	
Muskoka District	550 00	
Parry Sound District.....	550 00	
Lock-up at Gore Bay	2,000 00	
		<hr/> \$134,697 00

PUBLIC WORKS.

To defray expenses at Muskoka River.....	\$8,000 00	
Mary's and Fairies Lake.....	1,500 00	
Gull and Burnt Rivers.....	8,780 00	
Surveys, Inspections and Arbitrations	5,000 00	
Locks, Dams and Swing Bridges	6,000 00	
Lock-masters' and Bridgetenders' Salaries.....	2,000 00	
Trout River Works	3,000 00	
		<hr/> \$34,280 00

COLONIZATION ROADS.

To defray expenses of Construction and Repairs	\$96,300 00	
	Crown	

CROWN LANDS EXPENDITURE.

To defray expenses on account of Crown Lands....	\$73,000 00
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REFUNDS.

To defray the expenses of :—

Education.....	\$1,000 00	
Crown Lands	21,000 00	
Municipalities' Fund	23,190 99	
Land Improvement Fund	14,439 23	
	<hr/>	\$59,630 22

UNFORESEEN AND UNPROVIDED.

To meet unforeseen and unprovided	\$50,000 00
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Total Estimate for 1879.....	<hr/> \$2,316,625 22
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CHAPTER 2.

An Act respecting the Northerly and Westerly
boundaries of Ontario.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Northerly and Westerly boundaries of the Province of Ontario were not determined until lately ;

And whereas pending the determination thereof certain provisional lines, which for certain purposes were to be regarded as such boundary lines, were agreed to by the governments of the Dominion and the Province;

And whereas it was agreed by the Governments of the Dominion of Canada and the Province of Ontario that the true boundaries should be determined by reference to arbitration;

And whereas one of the arbitrators named in the Revised Statutes of Ontario, chapter four, died, and the other resigned without having made any award;

And whereas the Governor-General of Canada in Council afterwards named as arbitrator the Honourable Sir Francis Hincks, of the city of Montreal, Knight, and the Lieutenant-Governor in Council of this Province named as arbitrator the Honourable Robert Alexander Harrison, Chief Justice of Ontario ;

And whereas the two Governments further agreed that the Right Honourable Sir Edward Thornton, Knight, should be the third arbitrator, and that the determination of the award of the said arbitrators or a majority of them in the matter of the said boundaries should be taken as final and conclusive;

And

And whereas on the third day of August, in the year of our Lord one thousand eight hundred and seventy-eight, the said arbitrators made their award in writing, in the words following:—"The undersigned having been appointed by the Governments of Canada and Ontario as Arbitrators to determine the Northerly and Westerly Boundaries of Ontario, do hereby determine and decide that the following are and shall be such boundaries, that is to say:—Commencing at a point on the southern shore of Hudson's Bay, commonly called James Bay, where a line produced due north from the head of Lake Temiscaming would strike the said south shore, thence along the said south shore westerly to the mouth of the Albany river, thence up the middle of the said Albany river and of the lakes thereon, to the source of the said river at the head of Lake St. Joseph; thence by the nearest line to the easterly end of Lac Seul, being the head waters of the English river; thence westerly through the Middle of Lac Seul, and the said English river to a point where the same will be intersected by a true meridional line drawn northerly from the international monument placed to mark the most north-westerly angle of the Lake of the Woods by the recent Boundary Commission, and thence due south, following the said meridional line to the said international monument; thence southerly and easterly following upon the international boundary line between the British possessions and the United States of America into Lake Superior. But if a true meridional line drawn northerly from the said international boundary at the said most north-westerly angle of the Lake of the Woods, shall be found to pass to the west of where the English river empties into the Winnipeg river, then, and in such case the northerly boundary of Ontario shall continue down the middle of the said English river to where the same empties into the Winnipeg river, and shall continue thence on a line drawn due west from the confluence of the said English river with the said Winnipeg river, until the same will intersect the meridian above described, and thence due south following the said meridional line to the said international monument, thence southerly and easterly following upon the international boundary line between the British possessions and the United States of America, into Lake Superior."

And whereas the effect of the said award is to give to this Province less territory than had been claimed on behalf of the Province, and more territory than the Government of Canada had contended to be within the limits of the Province, or than was contained within the provisional boundary lines aforesaid;

And whereas by chapter twenty-eight of the Acts of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Session held in the thirty-fourth and thirty-fifth years of Her Majesty's reign, and intituled "An Act respecting the establishment of Provinces in the Dominion of Canada," it is enacted that the Parliament of Canada may, from time to time, with the consent of the Legislature of any Province

Province in the Dominion, increase, diminish, or otherwise alter the limits of such Province upon such terms and conditions as may be agreed to by the said Legislature, and may with the like consent, make provision respecting the effect and operation of any such increase, or diminution, or alteration of territory in relation to any Province affected thereby;

And whereas it is proper that the boundaries determined by the said award be adopted and confirmed;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Parliament of Canada may declare Northerly and Westerly boundaries of Ontario.

1. The Legislature of the Province of Ontario consents that the Parliament of Canada may declare that the boundaries which by the award of the arbitrators aforesaid were decided to be the northerly and westerly boundaries, respectively, of this Province, shall be and are the northerly and westerly boundaries thereof, whether the same increase, diminish, or otherwise alter the true northerly and westerly limits of the Province.

CHAPTER 3.

An Act to make further provisions respecting Voters' Lists.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Title.

1. This Act may be known and cited as "The Voters' Lists Amendment Act, 1879."

Powers of County Judge.

2. The County Judge, at any Court held by him for the revision of Voters' Lists, under "The Voters' Lists Act," may without any previous notice of appeal or complaint in that behalf, on an application made by or on behalf of the person named in the lists, correct any mistake which shall be proved to him to have been made in compiling any Voters' List in respect of the name, or place of abode, or nature of the qualification, or the local or other description of the property, of any person entered on the said list, and against or with respect to whose right to be entered on said list any appeal or complaint is either pending before or being heard by the judge; but in any such case, evidence may be produced and given before said judge that such person has no qualification or no sufficient qualification in law to entitle such person to vote, and if the judge, on the evidence before him, be of opinion that such person has not such qualification,

fication, he shall expunge and strike the name of such person from said list of voters.

3. If on any complaint or appeal to strike out of the list the name of any person entered therein as a voter, the judge, from any evidence produced and given before him, shall be of opinion that such person is entitled to be entered on said list in any character, or because of property or qualification other than that in which such person is so already entered in said list, the said judge shall not strike the name of such person from said list, but shall make such corrections in the said list as the said evidence in his opinion may warrant with respect to the right, character and qualification of such person to vote.

On appeals Judge to correct list as evidence may warrant.

4. Sub-section three of section eight of "The Voters' Lists Act" is hereby repealed, and in lieu thereof the following is substituted as sub-section three of said section eight:

Sub-s. 3, s. 8, of R. S. O., c. 9, repealed.

3. If, before the final revision and correction of the Assessment Roll, any person named as a voter in the said list of voters has died or, having parted with the property in respect of which his name was entered in the Voters' List has, within the meaning of section seven of "The Election Act of Ontario," ceased to be a resident of the Electoral District, the person who, at the time of such final revision and correction, was in possession of the said property shall, if otherwise qualified to vote, be entitled to apply to the Judge to be entered on the said list instead of the person first named in this section; and the proceedings to be taken in any such case shall be the same as in cases of appeals under this Act.

Application to be entered on list in certain cases.

5. Sub-section one of section twelve of "The Voters' Lists Act" is hereby amended, by adding thereto the words following:

Sub-s. 1, s. 12, of R. S. O., c. 9, amended.

"And such statement in triplicate, and such corrected copies of the said list shall, if the Judge so order, and under his directions and supervision, be prepared by the Clerk of the Municipality, and for that purpose the Judge shall forthwith after said list has been so finally revised and corrected transmit or deliver to said Clerk all necessary papers and directions, which said papers and directions together with such statement in triplicate and such corrected copies shall within, at latest, the week next after the said list has been so finally revised and corrected as aforesaid, be re-transmitted and delivered by said Clerk to said Judge, who thereupon shall immediately sign the said statement and certify the said corrected copies as aforesaid, but should the said statement and corrected copies not be re-transmitted and delivered by said Clerk to the Judge within the time above mentioned, the Judge shall immediately thereafter make and sign the said statement and certify the said corrected copies of the said list."

Statements and corrected copies of lists to be prepared by Clerk if Judge so directs.

6. The fifteenth section of "The Voters' Lists Finality Act" is hereby repealed, and the following substituted therefor:—

S. 15 of 41 V., c. 21, repealed.

Clerk's remuneration.

15. Where it is provided by any by-law or contract under which the Clerk of any Municipality is appointed or employed, that the sum to be paid him by way of salary as such Clerk is intended expressly or impliedly to include payment for all duties which, as such Clerk and under "The Voters' Lists Act," are to be performed by him, either in the preparation, publication and distribution of the list of voters under said Act, or before, upon or after the lodging with him of any complaint or appeal under said Act, or for any other act or work of whatever nature or kind required by the said Act to be done by him; then such Clerk shall not, in respect of such duties or work, be entitled to or be allowed by the County Judge, nor shall there be taxed to him, any fee, payment, cost or charge whatsoever; but when it is not intended by such by-law or contract to provide for the performance of such above-mentioned duties and work, then such Clerk shall be entitled in respect thereof to the following but to no other fee or compensation, that is to say:—

(1.) Two cents for the name of each person entered in the list of complaints and in respect to whom appeal was made.

(2.) Two cents for each such name entered in any necessary copy of said list of complaints.

(3.) Eight cents for each necessary notice to any party complaining or complained against.

(4.) Three dollars for each day's attendance on the sittings of the Court for the revision of the Voters' List.

(5.) And to the actual and reasonable disbursements (if any) necessarily incurred by him in serving the notices of complaint or appeal, when served by himself.

Part of S. 16 of R. S. O., c. 9, repealed.

7. The words "and the Clerk shall receive reasonable compensation for the services performed," where they occur in the sixteenth section of "The Voters' Lists Act," are hereby repealed.

P. O. address of voter to be entered on roll.

8. Hereafter the Clerk of each township municipality, in making out the list of voters as required by section two of "The Voters' Lists Act," shall, besides complying with section twelve of the Act to amend the Jurors' Act passed in the present session, insert in said list, and according to the form by section nine of this Act provided, a schedule containing the name, numbered consecutively, of each Post Office, which by the Assessment Roll appears to be, or within the knowledge or belief of the said clerk is, the proper post office address of any person entered in said list, and in making out said list of voters shall, according to said form and in the proper column therefor insert opposite the name of each person entered in said list the consecutive number which according to said schedule is that of the proper post office address of such person, so far as such address appears by the assessment roll, or is within the knowledge or belief of the said clerk as aforesaid; but no appeal or complaint on the ground of any error, mistake or omission

omission in or from the said list in respect of any matter or thing by this section directed to be inserted therein as aforesaid, shall be made or allowed by or under "The Voters' Lists Act," "The Voters' Lists Finality Act," or this Act.

9. Instead of the form of voters' list required by section two of "The Voters' Lists Act," the form for such list hereafter to be used and made by the clerk of any Township municipality under the provisions of said section two, and of this section and section eight of this Act, shall be as follows:—

Voters' List 18 Municipality of

SCHEDULE OF POST-OFFICES.

1. North Augusta,
2. Maitland,
3. Wright's Corners,
4. Prescott.

POLLING SUB-DIVISION, No. 1, COMPRISING, &c. :—(*Giving the limits.*)

PART I.—Persons entitled to vote at BOTH Municipal Elections and Elections to the Legislative Assembly.					
No. on Roll.	Name.	Lot.	Con. or Street.	—	Post Office Address.
6	Anderson, Henry	N W $\frac{1}{4}$ 6	3	Owner.	1
14	Andrews, John	W 14 acs 8	1	Tenant.	4
1	Archer, James	2	6	Income.	4
50	Brown, Simon	W $\frac{1}{2}$ 9	2	Farmer's Son.	3
71	Burton, Samuel	E $\frac{1}{2}$ 17	4	See Sub-division, No.	2
		&c.	&c.	&c.	&c.

PART II.—Persons entitled to vote at Municipal Elections ONLY.

No. on Roll.	Name.	Lot.	Con. or Street.	—	Post Office Address.
4	Archer, Henry	4	3	Owner.	2
82	Burke, Edmund	W $\frac{1}{2}$ 17	4	Farmer's Son.	4
	&c.	&c.	&c.	&c.	&c.

PART III.—Persons entitled to vote at Elections to the LEGISLATIVE ASSEMBLY ONLY.

No. on Roll.	Name.	Lot.	Con. or Street.	—	Post Office Address.
43	Ackroyd, James	N $\frac{1}{2}$ 3	4	Tenant.	3
8	Amos, Joseph	3	7	Owner.	3
	&c.	&c.	&c.	&c.	&c.

POLLING SUB-DIVISION, No. 2, COMPRISING, &c. :—(*Giving the limits.*)

&c.,

&c.

&c.

CHAPTER 4.

An Act to make further provisions respecting Elections of Members of the Legislative Assembly.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Date and return of writs for general election.

1. All the writs for a General Election of Members of the Legislative Assembly shall be dated on the same day, and need not name a return day, but shall be returnable forthwith after the execution thereof.

Prorogation of Legislature, formal proclamations abolished.

2. It is hereby declared not to be necessary for the Lieutenant-Governor in proroguing the Legislature to name any day to which the same is prorogued ; nor to issue any formal proclamation for a meeting of the Legislature when it is not intended that the Legislature shall meet for despatch of business.

Duration of Legislative Assembly.

3. Every Legislative Assembly shall hereafter continue for four years from the fifty-fifth day after the date of the writs, for the election, and no longer (subject to being sooner dissolved by the Lieutenant-Governor). But in case of a General Election at such time of the year that the election for Algoma does not take place at the same time as the other elections, and if the Lieutenant-Governor (notwithstanding) sees occasion for a meeting of the Legislature before the election for Algoma, the members elect for the other Electoral Divisions of the Province and the member elected for Algoma at the last election theretofore had for that Electoral Division, shall constitute a lawful Assembly for the despatch of business, and may be summoned to meet accordingly. And in such case the member elected for Algoma at the last election aforesaid, shall represent that Electoral District until the new election therefor shall have taken place, and the return of the Writ in that behalf shall have been received by the Clerk of the Crown in Chancery. And in such case the duration of the new Assembly shall be four years from the day for which the Assembly was so summoned to meet for the despatch of business and no longer (subject to being sooner dissolved by the Lieutenant-Governor.)

Nomination and polling days in Algoma, Muskoka, and Parry Sound.

4. In the Electoral Districts of Algoma and of Muskoka and Parry Sound, the Returning Officer shall, both at a general and at a special election, fix the day for the nomination of candidates for election as members of the Legislative Assembly ; such nomination shall not take place less than fifteen nor more than

than thirty days after the proclamation was first posted up; and the day for holding the polls shall be the fourteenth day next after the day fixed for the nomination of candidates; that is to say, it shall be on the corresponding day of the week next but one after that on which the nomination has taken place; or if such fourteenth day be a Statutory holiday, then on the following day, not being a Statutory holiday.

5. The Returning Officer of each of the said Districts shall, in case of a General Election, name as the nomination day the fourteenth day next preceding the day appointed as the polling day throughout the province, so that the polling in the said districts may be held at the same time as the polling in the rest of the Province; save and except that in the Electoral District of Algoma, the nomination or polling is to be held as heretofore at some time between the twentieth day of May, and the thirtieth day of November.

Polling day in above districts to be same as in rest of Province if practicable.

6. It shall not be necessary in the said electoral districts of Algoma, and of Muskoka and Parry Sound, to post up the proclamation for holding the election at every post office in the said electoral districts, but such proclamation shall be posted in some public place in the neighbourhood of each place at which a poll is required to be held in case a poll is demanded.

Places of posting up proclamation in above districts.

7. No commission shall be required for the appointment of any person to be a Returning Officer at any election for a member to serve in the Legislative Assembly, but the direction of a writ of election to any person named therein as Returning Officer shall be a sufficient appointment of such person as Returning Officer for such election.

Appointment of Returning Officers.

8. In cases where from unforeseen delays, accident or otherwise, the proclamation for holding an election for a member of the Legislative Assembly for any Electoral District could not be posted up so as to leave the required delay between the posting up of the proclamation and the nomination day appointed by the Lieutenant-Governor, or by the Returning Officer, as the case may be, the Returning Officer may fix new days for the nomination of candidates and for the polling; and in such case the nomination shall be the nearest day practicable, not being a Sunday or Statutory holiday, after allowing the number of days required by law between the posting up of the proclamation and the nomination day; and in every such case the Returning Officer shall, with his return, make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election.

Unforeseen delays provided for.

9. In order to determine the riding or other electoral division to which, under the tenth section of the Revised Statute respecting the Representation of the People in the Legislative Assembly, as extended by the Eleventh Section of the said

Villages or towns lying in more than one Riding.

said Statute, a village or town belongs, the population by the then last census of that portion of the territory of the Village or Town in question which was within each Riding or other Electoral District shall be computed as part of the population of such Riding or other Electoral District, unless the population of such Village or Town appears in the said census, in which case such population shall not be computed in any of the Electoral Ridings or Districts. This Section shall apply to Villages heretofore incorporated as well as to Villages or Towns which may be hereafter incorporated.

R. S. O. c.
s. 10, not to
apply in cer-
tain cases.

10. In case any Village hereafter becomes incorporated in respect of which it may appear to the Lieutenant-Governor in Council to be impossible to ascertain from the census the population of the territory comprising the Electoral Districts within which such Village lies, the Lieutenant-Governor in Council may, by proclamation, declare that by reason of such impossibility the said tenth section cannot be applied to such Village; and after such proclamation issues the electors entitled to vote in respect of real estate in the said Village shall be entitled to vote in the Riding or Electoral District in which they would be entitled to vote in respect of such real estate if the village had not become incorporated, and the income franchise voters shall be entitled to vote in that Riding in which they would be resident if the village had not become incorporated.

Voter not de-
prived of vote
by change of
residence.

2. In such case a change of residence from one part of the village to another, shall not deprive a person whose name is in the Voters' List of his right to vote; and in the oath to be administered to any such person desiring to vote in respect of real estate, the words, "and that you are still a resident of this Village," shall be substituted for the words, "and that you are still a resident of this electoral division."

Electors of
Blythe.

11. The electors of the Village of Blythe shall respectively vote in the Riding in which they would be entitled to vote if a proclamation were issued under the next preceding section.

Forms.

12. The forms in the schedule to this Act, and numbered 18, 20, and 21, are substituted for the forms numbered 18, 20, and 21 in schedule A to the Election Act, as the forms of oaths or affirmations to be taken by voters.

Mode of mark-
ing ballot
paper.

13. A voter may mark his ballot paper by placing a cross either (as heretofore) on the right hand side opposite the name of the candidate for whom he desires to vote, or at any other place within the division which contains the name of the candidate.

Income voters
who have paid
instalments of

14. In any case where the Council of any City, Town or incorporated Village has provided, or shall hereafter provide

vide by by-law, for the payment of taxes by instalments, any person claiming to vote in respect of income who shall have paid every instalment of taxes that by the terms of such by-law had become due before the date of the writ under which the election is being held, shall be entitled to vote notwithstanding that the remainder of such taxes shall not have been paid, if such person takes the oath or affirmation in the schedule hereto annexed, numbered 19A. taxes, entitled to vote.

(2). This section shall not apply to any extension of time granted, by by-law or otherwise, subsequently to the passing of the by-law which provided for the payment of such taxes by instalments, nor to any case where all the instalments had become due under such original by-law before the date of the writ of election. Exceptions.

(3). In every case mentioned in the first paragraph of this section if all the instalments have not become due before the date of the writ of election, the Returning Officer shall before the opening of the Poll, obtain from the Clerk of every City, Town, or incorporated Village, within the Electoral Division for which he is such Returning Officer, a certified copy of any By-law passed by the Council thereof making any taxes payable to the Treasurer thereof by instalments. Returning officer to obtain copy of by-law making taxes payable by instalments.

(4). The Clerk shall give such certified copy of By-law upon being required so to do by the Returning Officer or any other person who applies for the same, and shall be subject to a penalty of two hundred dollars in case of neglect or refusal. Clerk to furnish copy of By-law.

(5). For every such certified copy of By-law the Clerk shall be entitled to receive the sum of fifty cents. Fee.

(6). Such certified copy of By-law, when delivered to the Deputy Returning Officer, shall be the evidence upon which he shall act in administering the oath in the Schedule hereto annexed to be administered to persons claiming the right to vote in respect to income in the cases provided for by this Act. Copy as evidence.

15. The seventy-second section of the said Election Act is amended by striking out the words, "at least one month," where they occur in that section. R. S. O. c. 10, s. 72 amended.

16. Sub-section seven of section ninety of the Election Act is hereby amended as follows: R. S. O. c. 10, s. 90, sub-s. 7, amended.

(7). When the proper entries respecting the person so claiming to vote have been made in the voters' list in the manner prescribed, the deputy returning officer shall stamp or sign his name or initials upon the back of the ballot paper and upon the counterfoil; and he shall not put upon the said ballot paper any figure or mark, other than his said name or initials.

17. The following is substituted for sub-section two of section ninety-one of the said Act: Voter may select form of oath.

(2). Any person whose name is entered upon said list of voters as owner, tenant, or occupant of real estate, or as a farmer's

son and who is required to take such oath or affirmation as aforesaid, shall be at liberty to select for himself one or other of the said forms numbered 18 and 20 in said schedule as the form of oath or affirmation which he will so take notwithstanding any description either in the voters' list or assessment roll as to the qualification or character in respect of which he is entered upon the said list or roll.

R. S. O. c. 10,
s. 105, Sub-s.
2 amended.

Ballot paper
when void.

18. Sub-section two of section one hundred and five of the said Election Act is hereby amended as follows :

(2) Any ballot paper which has not been supplied by the Deputy-Returning Officer, or on which votes are given to more candidates than are to be elected, or on which anything in addition to the printed number and the initials or name of the Deputy-Returning Officer on the back is written or marked by which the voter can be identified shall be void and shall not be counted; but words or marks corruptly or intentionally or by mistake written or made, or omitted to be written or made, by the Deputy Returning Officer on a ballot paper shall not avoid the same.

R. S. O. c. 10,
s. 149, sub-s.
2 repealed, and
new sub-section
substituted.

19. Sub-section two of the one hundred and forty-ninth section of the said Election Act, is hereby repealed and the following substituted in lieu thereof :

(2). Any person so offending shall incur a penalty of two hundred dollars ; but the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, and other lawful and reasonable expenses incurred by the candidate or any agent in good faith and without any corrupt intent in connection with the election, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

R. S. O. c. 10,
s. 175 amend-
ed.

20. The following is hereby added to the one hundred and seventy-fifth section of the said Election Act :

7. For compelling payment of the fine and for the infliction of any other punishment imposed, the judges shall have the like authority as a Court of Oyer and Terminer, or a judge presiding thereat, has to give effect to the judgment of the court; and the Sheriff and Gaoler shall obey all orders of the said judges, made in that behalf.

Clerk of
Legislative
Assembly to
be *ex-officio*
Clerk of the
Crown in
Chancery.

21. The Clerk of the Legislative Assembly shall henceforward be *ex officio* Clerk of the Crown in Chancery, and shall be entitled as Clerk of the Legislative Assembly, to discharge all the duties which by any Statute, or by any other law, or by usage ought to be done, or have heretofore been done, by the Clerk of the Crown in Chancery.

Ss. 22, 29, 38,
of R. S. O., c.
10, repealed.

22. The twenty-second, twenty-ninth and thirty-eighth sections of the Revised Statute respecting elections of members of the Legislative Assembly are hereby repealed.

FORM 18.

(SECTIONS 12 and 17.)

Form of oath of person voting in respect of real estate.

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of) on the list of voters now shown unto you (*showing the list to the voter*);

That on the day of one thousand eight hundred and * (*see note below*) you were (and, *if the fact be so, still are*) actually, truly and in good faith possessed to your own use and benefit as either owner, tenant or occupant of the real estate in respect of which your name (or the said name of) is entered on the said list of voters. (*Or if the person has ceased to be such owner, tenant, or occupant, as the case may be, then insert these words: and that you are still a resident of this Electoral District*); and as such entitled to vote at this election;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty by birth (or naturalization);

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election:

So help you God.

FORM 20.

Form of oath for a Farmer's son.

(SECTIONS 12 and 17.)

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of) in

* *The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the Assessment Roll upon which the Voters List used at the election is based; OR the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED and corrected.*

the

the list of voters now shown to you (*showing the list to the voter*);

That on the day of one thousand eight hundred and * (*see note below*) A. B., (*viz., the voter's father or mother, naming him or her*) was, as you verily believe, actually, truly, and in good faith possessed to his (*or her*) own use and benefit as owner of the real estate in respect of which your name is so as aforesaid entered on the said voters list.

That you are a son of the said A. B.;

That you resided on the said property for the twelve months next before the return by the Assessor of the assessment roll on which the voters list used at this election is based, not having been absent during that period except temporarily and not more than four months in all;

That you are still a resident of this Electoral District, and are entitled to vote at this election;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty by birth (*or naturalization*);

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election:

So help you God.

FORM 21.

(SECTION 12.)

Form of Oath to be taken by Voter on a Supplementary List of Voters made where additions have been made to a City, Town or Village, or a New Village has been formed, composed of Territory situate in two or more Electoral Districts.

You swear (*or solemnly affirm*) that you are the person named (*or purporting to be named, by the name of*

) on the supplementary list of voters now shown unto you (*showing the list to the voter*);

* *The date to be here inserted in administering the Oath is, AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the Assessment roll upon which the Voters List used at the election is based; OR the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED and corrected.*

That

That on the day of 18 , (see note below), *
you were (and, *if the fact be so*, still are) actually, truly and in
good faith possessed to your own use and benefit as owner,
tenant, or occupant, of the real estate in respect of which
your name (or the said name of) is entered on
the said supplementary list of voters (or *if the party has ceased*
to be such owner, tenant, or occupant, then insert these words,
“and that you are now a resident of this Electoral District”),
and as such entitled to vote at this election ;

That you are of the full age of twenty-one years ;
That you are a subject of Her Majesty by birth (or natural-
ization) ;

That you have not voted before at this election, either at
this or any other polling place ;

That you have not received anything, nor has anything been
promised you, either directly or indirectly, either to induce you
to vote at this election, or for loss of time, travelling expenses,
hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or pro-
mised anything to any person, either to induce him to vote or
to refrain from voting at this election :

So help you God.

FORM 19 A.

(SECTION 14.)

*Form of oath of person voting in respect of income where the
taxes relating thereto were made payable by instalments.*

You swear (or solemnly affirm) that you are the person
named (or purporting to be named by the name of
on the list of voters now shown to you (*showing the list
to voter*);)

That on the day of , one thousand eight
hundred and (the day certified by the Clerk of
the Municipality as the date of the final revision and correction
of the assessment roll, upon which the voters' list used at the
election is based, for the City, Town, or Village as the case
may be), you were, and thenceforward have been continuously,
and still are a resident of this City (Town or Village as the
case may be).

* The date to be here inserted is AT THE CHOICE OF THE VOTER,
to be EITHER the day certified by the Clerk of the Municipality,
to be the date of the return by the Assessor of the Assessment
Roll, upon which the Voters List used at the election is based,
OR the day so certified as the date when by law the said roll was to
be considered or taken as FINALLY REVISED and corrected.

That

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling or profession, *as the case may be*) of a sum of not less than four hundred dollars;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty by birth (*or naturalization, as the case may be*);

That you have not voted before at this election, either at this or any other polling-place.

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith:

That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting.

And that you have duly paid every instalment of taxes whatsoever assessed or rated against you, which under the original by-law making the taxes for the said municipality for the present year, payable by instalments, and a copy of which by-law is now exhibited to you, had prior to the writ of election become due in respect of the income for or by reason of which you are rated and entered upon the assessment roll upon which the voters' list used at this election is based:

So help you God.

CHAPTER 5.

An Act respecting the Office of Sheriff.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sheriff to keep
an account of
his fees.

1. From and after the first day of July next, every Sheriff shall keep a separate book, in which he shall enter from day to day, all fees and emoluments received by him, by virtue of his office, and also the several amounts disbursed by him, from day to day, for carrying on the work of his office; and shall on or before the fifteenth day of January, in every year, make, under oath to the Lieutenant-Governor, a return of the aggregate amount of such fees and emoluments and of his disbursements respectively, during the previous year, up to and inclusive of the thirty-first day of December.

2.

2. It shall be the duty of every Sheriff to supply himself with the book, in the preceding section mentioned, and the cost thereof shall be paid by the County of which he is Sheriff.

Account book
how provided.

CHAPTER 6.

An Act to extend the Act respecting the Heir, Devisee and Assignee Commission.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Heir, Devisee and Assignee Commission, and the Commissioners referred to in chapter twenty-five of the Revised Statutes of Ontario, shall, with respect to claims to lands within Ontario vested in the Crown, for which no patent has issued, and for which the patents are to be issued by the Government of Canada, have the same jurisdiction and powers, and the proceedings by and before such Commission and Commissioners shall be the same as such jurisdiction, powers and proceedings were prior to the coming into force of the said Revised Statutes.

Jurisdiction
as to claims to
certain lands
in Ontario for
which patents
are to be
issued by the
Government
of Canada.

2. Where the said Commissioners adjudicate in respect of lands vested in the Crown, for which patents are to be issued by the Government of Canada, they shall report their decision as to such lands to His Excellency the Governor-General in Council.

Report to be
made to the
Governor-
General in
Council.

CHAPTER 7.

An Act for the further Investment of Public Money in Municipal Drainage Debentures.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the provisions of "The Ontario Municipal Drainage Aid Act," the Lieutenant-Governor in Council may, from time to time, invest a further sum not exceeding fifty thousand

R. S. O. c. 34,
s. 5 amended
and power of
investment
extended.

thousand dollars, in the purchase of debentures issued by Municipalities for drainage works; and section five of the said Act is amended by inserting the words "two hundred and fifty," in lieu of "two hundred," in the fourth line of the said section.

CHAPTER 8.

An Act to authorize Investments in Municipal Debentures issued in aid of Stone or Timber Drainage.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Provisions of 41 Vic., c. 9, extended.

1. The provisions of the "Ontario Tile Drainage Act," passed in the forty-first year of Her Majesty's reign, chaptered nine, are hereby extended to authorize every Township Council to pass by-laws for borrowing money by the sale of debentures of the Municipality, for the purpose of lending the same for stone or timber drainage, in the same manner and subject to the like conditions as such Councils are, by the said Act, authorized to pass by-laws for borrowing money as aforesaid for the purpose of lending the same for tile drainage.

Purchase of Debentures by Lieutenant-Governor in Council.

2. The Lieutenant-Governor in Council may from time to time, in his discretion, invest any part of the sum of Two Hundred Thousand dollars mentioned in the tenth section of the said Act in the purchase of any debentures issued under by-laws passed under this Act and deposited with the Commissioner of Agriculture together with the affidavits of the Reeve in the form given in Schedules B. and C. of the said Act, or to the like effect, and in respect of which the Commissioner of Agriculture shall have certified to the propriety of investment.

Debentures not to be questioned.

3. After any such investment has been made the debentures shall not be questioned, and shall be deemed valid to all intents and purposes.

Certain sections of 41 Vic., c. 9, incorporated with this Act.

4. The provisions of the said "The Ontario Tile Drainage Act," are hereby incorporated in this Act as if every section of the said "Ontario Tile Drainage Act" except the first, tenth and eleventh sections thereof were repeated in this Act with the substitution of the words "stone or timber" for the word "tile" wherever such word occurs in the said "Ontario Tile Drainage Act."

5. It shall not be necessary to pass separate by-laws under the said Act, and under this Act, but two or more of the classes of drainage authorized to be aided under the said Act and this Act may, if the Council think fit, be included in the same by-law, and the amount to be loaned in respect of each kind of drainage may be stated, or the same may be left unstated; in the latter case the Council may afterwards loan the money in such proportions for each kind of drainage specified in the by-law as they think fit, or may apply the same to one kind only, and this option may be exercised whether the kinds of drainage are stated in the by-law conjunctively or disjunctively.

Provisions as
to by-laws.

6. The forms given in the said Act shall in applying the same to this Act be varied to meet the case, and in the application of the owner, (Schedule D), the inside size of the drain, shall under this Act be given in lieu of the size of the tile.

Forms.

7. This Act may be cited as "The Ontario Stone and Timber Drainage Act," or this Act and the said first mentioned Act may be cited together as "The Ontario Tile, Stone and Timber Drainage Acts."

Mode of
citation.

8. Section two of the said "Ontario Tile Drainage Act" is hereby amended by striking out all the words after the word "in" in the fifteenth line and substituting the following words therefor, viz.: "Such Newspapers as the Council by Resolution may direct."

41 V., c. 9, s.
2, amended.

CHAPTER 9.

An Act respecting payments, under the Municipal Loan Fund Scheme, where Indians are interested.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where, in the unorganized townships or parts of districts mentioned in the Schedule appended to the Act passed in the fortieth year of Her Majesty's reign, chaptered thirteen, and intitled "An Act respecting payments to unorganized Townships or parts of Districts under the Municipal Loan Fund Scheme," the population consists wholly or chiefly of Indians or persons of Indian blood, the Lieutenant-Governor in Council may authorize any money which is payable to the locality under the said Act to be expended for any purpose, whether of a temporary or permanent nature, that the Lieutenant-Governor in Council may consider beneficial to the said population.

Expenditure
of money pay-
able to locality
in which popu-
lation wholly
or chiefly
Indians.

CHAPTER

CHAPTER 10.

An Act to amend the Agriculture and Arts Act.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O., c. 34
s. 41 amended.

1. The Revised Statute, respecting Agriculture and Arts, chapter thirty-five, section forty-one, is hereby amended by adding thereto the words "and a majority of the Board of Directors so elected shall be resident in the said Electoral District."

CHAPTER 11.

An Act to incorporate the Poultry Association of Ontario.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Formation of
Association
and qualifica-
tion of mem-
bers.

1. Any number of persons, not less than twenty-five, may organize and form themselves into an Association, to be known as "The Poultry Association of Ontario," by signing a declaration in the form of Schedule A. to this Act annexed, and paying each not less than one dollar to the funds of the Association for that year; and all persons thereafter paying each the sum of one dollar (or such other sum, not being more than two dollars, as the Association may fix by by-law) annually to the funds of the Association, shall be members thereof.

Declaration
and notice.

2. Such declaration shall be in duplicate, and one part thereof shall be written and signed on the first page or pages of a book, to be kept by the Association, for recording the minutes of its proceedings during the first year of its existence; and the other part thereof shall be written and signed on a sheet of paper or parchment, and shall forthwith be sent by post to the Commissioner of Agriculture, who shall, as soon as may be after the receipt thereof, cause a notice of the formation of such Association to be inserted in the *Ontario Gazette*.

3. Upon the insertion in the *Ontario Gazette* of the notice of the formation of such Association, it shall become a corporation for the object and purpose of the encouragement of the breeding of poultry in Ontario, and for the dissemination of information relating to the breeding, rearing, management, and improvement of poultry in Ontario; and for all purposes connected therewith or relating thereto; and the said Association may acquire and hold, lease, mortgage, and alienate property, real and personal, but only for the purposes of such Association. Completion of incorporation.

4. The first Board of Directors of the said Association shall consist of Thomas Gowdy, George Murton, I. W. Buck, John Aldons, W. H. Doell, John McClelland, John Eastwood, Allan Bogne, and James Fullerton, who, as soon as practicable after the publication of the said notice in the *Ontario Gazette*, shall hold their first meeting, at such time and place as shall be appointed by the Commissioner of Agriculture; and at such meeting the said Directors shall elect from among themselves a President of the said Association, two Vice-Presidents, and two Auditors; and shall also elect, from among themselves or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer), who shall constitute the officers of the Association until their successors are elected at the first annual meeting of the Association, to be held at the Town of Guelph, between the first days of January and April, in the year of our Lord one thousand eight hundred and eighty. Directors.

5. The Association may make by-laws for the admission of members, and for its guidance and proper management, and for the promotion of the objects of the Association. By-laws.

6. The Association shall hold an annual exhibition, open to the whole Province, between the first day of January and the first day of April in each year, at such time and place as the Association at its annual meeting shall appoint. Annual exhibitions.

7. The Association shall hold an annual meeting in each and every year, at the same time and place as the annual exhibition is held; and the retiring officers shall at such meeting present a full report of their proceedings, and of the proceedings of the Association, and a detailed statement of its receipts and expenditure for the previous year, duly audited by the Auditors; and the Association shall at such meeting elect a President, two Vice-Presidents, and nine Directors; and the officers so elected shall elect, from among themselves or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer); and the Association shall elect two Auditors; and the Association shall at each such meeting appoint the time and place for holding the next annual exhibition and meeting. Annual meetings.

8. The officers (a majority of whom shall form a quorum) shall Powers of officers.

shall have full power to act for and on behalf of the Association; and all grants of money and other funds of the Association shall be received and expended under their direction, subject, nevertheless, to the by-laws and regulations of the Association.

Report to be sent to Commissioner of Agriculture.

9. A copy of the annual report of the proceedings of the Association, and a list of the officers elected, and also a report of such information as the Association may have been able to obtain on the subject of poultry, and the breeding, rearing, management, and improvement thereof, and on all subjects connected therewith or relating thereto, whether in this Province or elsewhere, shall be sent by the Secretary of the Association to the Commissioner of Agriculture, within forty days of the holding of such annual meeting.

Aid to Association.

10. Such Association, so long as the number of its *bona fide* members is not less than fifty, and so long as it complies with the provisions of this Act, and of "The Agriculture and Arts Act," shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province, a sum not exceeding six hundred dollars in any one year, provided that the Secretary of the Association shall, on or before the first day of September in each year, transmit to the Commissioner of Agriculture an affidavit, which may be sworn to before any Justice of the Peace, stating the number of members who have paid their subscriptions for the current year and the total amount of such subscriptions.

Ss. 17 and 18 of R. S. O. c. 35 amended.

11. The seventeenth and eighteenth sections of "The Agriculture and Arts Act" are hereby amended by inserting after the words "Ontario Society of Artists," in each of the said sections, the words "the Poultry Association of Ontario."

This Act to be read as part of Agriculture and Arts Act.

12. This Act shall be read as part of "The Agriculture and Arts Act," and the said Association shall be deemed to be an Association coming under the said Act.

SCHEDULE A.

(See section 1.)

We, whose names are subscribed hereto, agree to form ourselves into an Association under the provisions of the Act intituled "An Act to incorporate the Poultry Association of Ontario," to be called "The Poultry Association of Ontario;" and we hereby severally agree to pay to the Treasurer the
sums

sums opposite our respective names ; and we further agree to conform to the By-laws and Rules of the said Association.

NAMES.	\$	cts.

CHAPTER 12.

An Act respecting the Registration of Deaths.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Notwithstanding anything contained in section fourteen of the Act respecting the registration of births, marriages, and deaths, being chapter thirty-six of the Revised Statutes, where any minister or other person has occasion to bury or perform any funeral or religious service for the burial of any dead body without having received the certificate of the Registrar of the Division in which the death took place that the particulars of such death have been duly registered, it shall be sufficient for such minister or other person (in lieu of the return by the said section

Return to be made by minister, etc., officiating at funeral unless he has received certificate of Registrar of Deaths.

section required) to give to the registrar, within seven days after the burial, a written notice under the hand of such minister or other person, stating according to his knowledge, information and belief, the name and residence of the deceased, and the date and place at which the burial took place, or at which the service was performed, either without or with any of the other particulars mentioned in schedule C to the said Act.

CHAPTER 13.

An Act respecting Grand Juries.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Number of
Grand Jurors.

1. The precepts to the Sheriff for the return of Grand Jurors for the sittings of the Court of Oyer and Terminer and General Gaol Delivery, shall command the return of fifteen of such Grand Jurors and no more, and the panel of Grand Jurors for any of the aforesaid courts shall consist of fifteen Grand Jurors instead of twenty-four as heretofore.

Schedule B. of
Jurors' Act
amended.

2. The word "fifteen" shall be substituted for the words "twenty-four" wherever the latter words occur in Schedule B to the Jurors' Act.

Time Act to
take effect.

3. This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation.

CHAPTER 14.

An Act to Amend the Jurors' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

S. 3 of Jurors
Act repealed.

1. The third section of the Jurors' Act, Chapter forty-eight of the Revised Statutes of Ontario, is hereby repealed, and the following is substituted therefor :

3.

3. Unless exempted, every person residing in any County or other local Judicial division in Ontario, who is over the age of twenty-one years, and in the possession of his natural faculties, and not infirm or decrepid, and who is assessed as owner or tenant for local purposes upon property, real or personal, belonging to him in his own right, or in that of his wife, of the value of not less than six hundred dollars in Cities, and four hundred dollars in Towns, Incorporated Villages and Townships, shall be qualified and liable to serve as a Juror, both on Grand and Petit Juries, in Her Majesty's Superior Courts of Common Law having general Criminal or Civil jurisdiction throughout Ontario, and in all Courts of Civil or Criminal jurisdiction within the County or other local judicial division of the County in which he resides; Qualification.

2. Provided nevertheless, that in Townships wherein the amount of property in respect of which a person would be qualified and liable to serve as a juror if ascertained, under and in the manner provided by section six of the Jurors' Act, would be less than is by this section hereinbefore prescribed in that behalf, the amount of property in respect of which a person shall be so qualified and liable to serve as a Juror shall in such Townships be ascertained and determined under and in the manner provided by said section six, and except as to such townships the said section six shall not hereafter be in force. Exception in certain Townships.

2. Section eight of the said Act is hereby repealed, and the following section is substituted therefor: S. 8 of Jurors' Act repealed,

8. Every member of the Senate and House of Commons and of the Legislative Assembly of this Province, every Warden and every member of any County Council, every Mayor, Reeve, or Deputy Reeve of any city, town, township, or village, every Justice of the Peace and every other member and officer of any municipal corporation, is hereby absolutely freed and exempted from being selected by the selectors of jurors hereinafter mentioned to serve as a grand or petit juror in Her Majesty's Inferior Courts, and none of the names of any such persons shall be inserted in the rolls from which jurors are to be taken for such purposes, and if any such name be at any time accidentally inserted in any such roll, it shall, if drawn in selecting any jury list or drafting any panel therefrom for such Inferior Courts, be set aside and not inserted therein. Exemptions from serving.

3. The senior Judge of the County Court, the junior Judge thereof, the Mayor of any City situate in any such County, the Warden, the Treasurer, the Sheriff, or in his absence the deputy Sheriff of the County, any three of whom shall be a quorum, shall be ex-officio selectors of Jurors, from the Jurors' Rolls within their respective Counties, and may be known as "County selectors." In case of an equality of votes amongst the selectors present upon any question which may arise, the County Judge, if present, or in his absence the Junior Judge, shall have a double or casting vote in the decision of the question. County selectors.

County Clerk
a selector,
when.

4. When the County Treasurer is a practising solicitor, attorney or barrister, he shall be disqualified from acting as a County Selector, and in such case the Clerk of the County Council shall be a County Selector in his place and stead.

Annual
Meeting of
County
selectors.

5. The County selectors for each County shall assemble annually at the office of the Clerk of the Peace, on the fifteenth day of September, or if such day be a Sunday or statutory holiday, then on the first day thereafter, not being such holiday, for the purpose of determining the number of Jurors both Grand and Petit, and for the Superior and Inferior Courts respectively, which shall be returned by the local Municipalities, to the Clerk of the Peace, for service as Jurors during the ensuing year, and the Clerk of the Peace shall attend the meeting of such selectors, and, in a book to be kept for the purpose, shall enter their proceedings and resolutions; but he shall have no voice in the selection of Jurors, and shall in no case advise or express an opinion whether any name ought to be placed upon or omitted from the Jury list.

Determina-
tion of
number of
Jurors for the
year.

6. The County selectors shall at such meeting, by resolution, first determine and declare the number of Jurors, both Grand and Petit respectively, that will be required for service at the several sessions of the Courts during the ensuing year, and shall fix the total number of names of Jurors, Grand and Petit, respectively, and for the Superior and Inferior Courts respectively, which the local Municipalities shall return at three times the number declared by the resolution to be required.

Determina-
tion of number
of Jurors from
each Municipi-
pality.

7. The County selectors shall then, by resolution, determine the number of names of such Grand and Petit Jurors respectively, for Superior and Inferior Courts respectively, to be returned by each local Municipality in the County, and the number of names of persons on the Voters' lists of each Municipality, marked as qualified to serve on juries, shall form an approximate basis for such division; and the Clerk of the Peace shall preserve, and at such meeting produce for the use of the County selectors, the Voters' lists, delivered to him by the Clerks of the several Municipalities under the provisions of the Voters' Lists Act, or duly certified copies of such lists.

County selec-
tors to choose
letter for each
Municipality.

8. At their first meeting after this Act shall come into force the County selectors shall, by resolution, determine at which letter of the alphabet the selectors for each Municipality within the County shall begin in making their first selection, and so far as may be practicable, they shall choose for each of such Municipalities a different letter of the alphabet.

Clerk of the
Peace to notify
Clerks of
local Municipi-
palities.

9. The Clerk of the Peace shall within five days after the meeting of the County selectors, notify in writing the Clerk of each local Municipality in the County, of the number of names
of

of Grand and Petit Jurors respectively, required to be returned from the Municipality for which he is Clerk, for service in the Superior and Inferior Courts respectively; and the first year after this Act shall come into force, he shall at the same time notify such clerk of the letter of the alphabet at which it has been determined he and his co-selectors shall begin.

10. The words "the first day of September," where they occur in sections fourteen and seventeen of the Jurors' Act, are repealed, and the words "the tenth day of October" are substituted therefor; and the words "the fifteenth day of the said month of September," where they occur in the third subsection of the twenty-third section, and the words "the fifteenth day of September," where they occur in the twenty-fifth section of said Jurors' Act, are repealed and the words "the twenty-fifth day of October" are substituted therefor.

Amendments
to ss. 14, 17,
23 and 25.

11. The eighteenth section of the said Jurors' Act is hereby repealed, and the following is substituted in lieu thereof:

S. 18 of Jurors
Act repealed.

18. The selectors for each Municipality shall, from the certified voters' list for the Municipality for the year if such list has been certified, or if the same has not been certified, then from the list for the year published by the Clerk of the Municipality, or if no such list has been published then from the last certified list, or if there is no certified list for the Municipality then from the assessment roll, write down on one or more sheets of paper provided for that purpose, twice as many names of persons appearing by the Assessment Roll to be possessed of the requisite property qualification and otherwise duly qualified to serve on juries, as have been required by the County selectors to be selected and returned from the Municipality; and the proper assessment roll shall in all cases be referred to by the selectors for the purpose of determining who are exempt or disqualified from acting as Jurors and for such other purposes as are necessary in the discharge of their duty as selectors.

Manner in
which Municipal
selectors to
make list from
which to select
Jurors.

2. The Clerk of the Municipality shall for the purposes of this section, bring with him and produce to the selectors the proper Voters' List and Assessment Roll.

Clerk to produce
Voters'
List and Assessment
Roll.

3. The first year after this Act shall come into force, the selectors for each Municipality respectively shall commence with those persons whose surnames begin with the letter of the alphabet determined upon for such Municipality by the County selectors; and shall then, and thereafter from year to year in making the selection, proceed from letter to letter in alphabetical order, and shall write down the names consecutively in alphabetical order of all those persons qualified to serve on juries and not exempt by law, until twice the total number required

Selection to be
made in alphabetical
order.

required to be returned from the Municipality of persons duly qualified shall be obtained; and at each subsequent annual meeting the selectors for the Municipality shall begin at the letter next to that at which they left off the preceding year, and so on in alphabetical order, until they shall have gone through all the remaining letters of the alphabet, when they shall again begin with the letter "A."

Procedure when number qualified under one letter not exhausted.

4. In the event of such selectors obtaining the names of a sufficient number of duly qualified persons after they have entered upon, but not before they have exhausted the entire number of those qualified under any one letter, they shall at the next annual selection commence at the beginning of such letter, but shall not select the names of any persons returned the preceding year. The selectors shall select at least two-thirds of the persons whose names they have so written down, namely the two-thirds thereof in their opinion the best qualified to serve on juries, and shall place a number opposite each name of the said two-thirds so selected.

Return by selectors.

5. The selectors shall make out and return to the Clerk of the Peace the names of the persons so selected in alphabetical order.

Voters' lists to show persons qualified to serve as Jurors.

12. In order to facilitate the selection of Jurors, the Clerk shall, in making out the voters' list, in the column containing the number of the voter on the roll or in a separate column provided for the purpose beside the same, write or mark the letter J upon the voters' list opposite the name of every male person over twenty-one and under sixty years of age who by such roll appears to possess the property qualification requisite to qualify him to serve as a juror. And such voters' list shall show, at or near the end thereof, the aggregate number of names of persons upon such list qualified to serve on juries; and it shall not be necessary for the selectors to refer to any name on the assessment roll which has not the letter J opposite it in the voters' list, unless the selectors suspect that some names are not properly marked, but this section shall not apply to townships where the qualification is ascertained under the sixth section of the Jurors' Act.

2. In Townships where the qualification of Jurors is governed by the sixth section of the Jurors' Act, the Clerk shall ascertain in the manner prescribed by the said sixth section of the said Jurors' Act, the number of persons in such Township who are qualified to serve on juries, and shall at or near the end of the Voters' List certify the number of persons so qualified.

S. 20 of Jurors' Act repealed and new section substituted.

13. Section twenty of the Jurors' Act is hereby repealed and the following substituted therefor:

Jurors to be selected by ballot.

20. The selectors shall then prepare a set of ballots, on pieces of parchment or paper of uniform and convenient size, containing

ing the same number of ballots as there are names selected, allowing one name to each ballot, and such ballot shall be numbered to correspond with the numbers opposite the names of the two-thirds selected, and the selectors shall then proceed to ballot for jurors the number required to be selected from such municipality by the county selectors.

2. The Clerk of the Municipality shall, in a book to be kept for that purpose, enter the dates of the meetings of such selectors for the Municipalities, the persons present thereat and taking part therein, and the letters of the alphabet from which the selections of names of persons are from year to year made.

Record to be kept by Clerk of Municipality.

3. The manner of balloting shall be as follows :

(a). The selectors, or one of them shall place the ballots, correctly numbered, promiscuously in a box or urn, to be by them procured for that purpose, and shall cause said box or urn to be shaken so as sufficiently to mix the ballots, and shall then openly draw from the said box or urn indiscriminately, one of said ballots, and declare openly the number on such ballot, whereupon the clerk or one of the selectors present, shall immediately declare aloud the name of the person opposite whose name the corresponding number is placed on the list ;

Manner of balloting.

(b). And thereupon the name and addition of the person whose name has been so selected, shall be written down on a sheet of paper provided for that purpose ;

(c). Which being done, the selectors shall proceed in like manner to ballot and dispose of other numbers from the said box, or urn, until the necessary number has been completed.

14. The twenty-second section of the said Jurors' Act is hereby repealed, and the following substituted therefor :

S. 22 of Jurors' Act repealed, and new section substituted.

22. The selectors shall make the distribution among the four divisions, so that each division shall contain the number of names required by the County selectors to be returned for such division, from the Municipality.

15. The forty-sixth section of the said Jurors' Act is hereby repealed, and the following substituted therefor :

S. 46 of Jurors' Act repealed and new section substituted.

46. The County selectors shall be the selectors of Jurors from the Jurors' Rolls, within their respective Counties.

16. All the words in the second sub-section of section forty-eight of said Act after the words "at such court," in the fifth line thereof, are hereby repealed.

Part of Sub-s. 2 of s. 48 repealed.

17. The forty-ninth section of said Act and sub-sections one, two, three, four, five, and six thereof are hereby repealed, and the following substituted therefor :

S. 49 and sub-ss. 1-6 thereof repealed and new section substituted.

(49.) The last mentioned selectors of jurors shall then proceed to select from the jurors' rolls the names of the requisite number

Selection of jurors from jurors' rolls.

number of persons to serve as jurors for such year who, in the opinion of the selectors or of a majority of them, are, from the integrity of their characters, the soundness of their judgment and the extent of their information, the most discreet and competent for the performance of the duties of jurors, and in making such selection the selectors may, if they think fit, select a proportion of the names for each jury list from each local municipality.

Clerk of Peace to enter names of jurors selected.

2. The selectors shall first proceed to select the grand jury list for the Superior Court, and when they or a majority of them have decided upon the selection of any person named on the jury rolls, the names and additions at length of such person shall, by the Clerk of the Peace, be forthwith inserted in the Minute-Book of the Court, unless good cause why the same should not be so entered shall be shown; and in order to determine the question, evidence may be taken by the selectors upon oath, and in such case a minute of the evidence shall be taken and entered in the Minute-Book of the Court.

SS. 52 and 53 of Jurors' Act repealed.

18. The fifty-second and fifty-third sections of the said Jurors' Act are hereby repealed and the following substituted therefor:

Number of jurors to be selected from rolls.

52. The number to be selected from the jurors' rolls for a jury list, shall be the number of Grand Jurors and Petit Jurors for the Superior Courts and Inferior Courts respectively, that the County selectors have determined to be requisite for the year.

County selectors to determine the number of Petit Jurors to be drafted and returned to each court.

19. The County selectors shall by resolution determine the number of Petit Jurors to be drafted and returned to any sittings of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court, for the current or ensuing year; and it shall be the duty of the Clerk of the Peace forthwith, thereafter, to transmit to the Clerk of the Crown, of the Court of Common Pleas at Toronto, and to the Clerk of the County Court, a certified copy of such resolution, and such officers shall keep the same on file in their respective offices.

Power to amend resolutions.

20. The County selectors may amend any of their resolutions, and either increase or decrease the number of jurors to be selected and returned by the Municipalities, the number to be selected by such County selectors, or the number of Petit Jurors to be drafted and returned to any sittings of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court, and in such case due notice thereof shall be given by the Clerk of the Peace, to the proper parties.

Judges to issue precepts to the Sheriffs.

21. The Judges, Justices and others, to whom the holding of
any

any sittings of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court by law belongs, or some one or more of such Judges, Justices or others may for that purpose issue precepts to the Sheriff or other proper officer for the return of a competent number of Grand Jurors, for cases criminal for such sittings, and of such number of Petit Jurors as the County selectors of Jurors shall have determined, as the number to be drafted and returned for the trial of such issues or other matters of fact, in cases criminal and civil as it may be competent to such Petit Jurors to try at such sittings, according to law. Nothing in this Act contained, shall prevent such Judges, Justices or others, issuing such precept or precepts, from requiring in and thereby the return of any number of Petit Jurors greater than the number so determined, if in his or their opinion the same may be required, but they shall have, possess and exercise all such rights and powers in that behalf as they had prior to the passing of this Act.

22. The Judge of the County Court for the County, after the issue of the precept to the Sheriff, may at any time prior to the day appointed for the sittings of Assize and Nisi Prius, or of the Courts of Oyer and Terminer, and Gaol Delivery, if it appears to him expedient, by order under his hand and seal, and the presiding Judge may at any time, before or during the sittings of such Court by order under his hand and seal direct the Sheriff to return any additional number of Petit Jurors to such sittings of Assize, Oyer and Terminer, and Gaol Delivery.

Judge of
County Court
may order addi-
tional jurors.

2. And the Judge of the County Court, or Chairman for the time being of the General Sessions of the Peace, after the issue of the precept may, at any time prior to or during the sittings of the County Court or General Sessions of the Peace, by order under his hand and seal, direct the Sheriff to return an additional number of Petit Jurors to the sittings of such County Court or General Sessions of the Peace.

3. The Sheriff shall upon the receipt of any such order proceed forthwith to draft such additional number of Jurors in the manner provided by "The Jurors' Act," and shall add their names to the panel, and shall forthwith thereafter proceed to summon them.

23. The number of Petit Jurors to be returned on any general precept, for the return of Petit Jurors for any sittings of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court shall be the number determined by the County selectors; unless by the direction of the Judges appointed to hold such sittings of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, General Sessions of the Peace, or County Court, or one of them, who may by order or precept, under hand and seal, direct

Number of
Petit Jurors
to be returned.

Judge may
order greater
or lesser
number.

direct

direct that a greater or lesser number shall be the number to be returned—or unless the Judge of the County Court shall as hereinbefore provided otherwise order.

S. 91 of
Jurors' Act
amended.

24. The following shall be added to the ninety-first section of said Jurors' Act :

“ But when the Sheriff shall be directed to draft and summon additional Jurors under the provisions of this Act, such eight days' service shall not be necessary.”

S. 151 of
Jurors' Act
amended.

25. The one hundred and fifty-first section of The Jurors' Act is hereby amended by striking out the words “ for the payment of Jurors,” and by substituting therefor the words “ for the payment, summoning, drafting, selecting and enrolling of Jurors.”

S. 155 of
Jurors' Act
amended.

26. The following shall be added to the one hundred and fifty-fifth section of the said Jurors' Act :

“ And the Clerk of the Peace shall be paid for his attendance at the meeting of the County selectors the same fees as a County selector.”

S. 169, sub-s. 7
of Jurors'
Act amended

27. Sub-section seven of the one hundred and sixty-ninth section of the Jurors' Act is amended by adding after the word “ information,” in the seventh line thereof, the following :—“ And every such action shall be tried by the Judge sitting alone, and without the intervention of a Jury, and when the same has been commenced in the County Court, the Judge of such County Court shall upon the application of either party thereto by his order direct that the same shall be tried at the Assizes, and the Record may thereafter be entered and the action tried at the Assizes.”

Act to be
part of Jurors'
Act.

28. This Act shall be and shall be construed and read as part of the “ Jurors' Act.”

S. 156 of
Jurors' Act
amended.

29. There shall be added to the second sub-section of section one hundred and fifty-six the words “ but one certificate for all the selectors for each Municipality shall be given ;” and the fifth sub-section of said section one hundred and fifty-six is hereby repealed.

Ss. 50, 62,
66, 158 and
sub-s. 5 of s.
157 Jurors'
Act repealed.

30. Sections fifty, sixty-two, sixty-six, and one hundred and fifty-eight, and the fifth sub-section of one hundred and fifty-seven of the Jurors' Act are hereby repealed.

Drafting
Jurors for pre-
sent year.

31. Notwithstanding this Act and the repeal of the various sections thereby repealed the persons whose names have been selected and returned to the Clerk of the Peace for the year in which this Act shall come into force shall form the Jurors' roll for such year, and the County Selectors shall select the Jury Lists therefrom and the Panels shall be drafted from such

such Jury Lists until new Jury Lists shall be completed under this Act; and the Jurors so drafted shall serve as Jurors as though this Act had not been passed.

32. This Act shall come into force on the first day of May, one thousand eight hundred and seventy-nine, and not before, and may be cited as "The Jurors' Act of 1879."

Time Act to
come into
force.

CHAPTER 15.

An Act to make certain provisions respecting the practice of the Courts.

[Assented to 11th March, 1879.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The expenses attending the charge and management of the money and securities of suitors in the Court of Chancery shall be a charge thereon and shall, except so far as other provision is made therefor by the Legislature, be paid out of any surplus interest or other funds at the disposal or subject to the control of the said Court.

Payment of
expenses of
managing
suitors' money
etc., in Court
of Chancery.

2. The judges of the said Court shall have power to make general rules or orders, from time to time, for carrying out the above provisions.

Judges em-
powered to
make rules.

2. Where by any law, or by the practice of the courts, a defendant in any action is entitled to obtain security for costs from a plaintiff, the court or judge by whom any rule or order, for such security is made, may require the plaintiff to furnish the security within a time to be limited in such rule or order, or by any subsequent rule or order.

Time for giv-
ing security
for costs may
be limited.

2. If any person fails, without sufficient excuse, to comply with such rule or order he shall be liable to have his action dismissed as for want of prosecution, with costs, and the court or a judge may make an order accordingly, and thereupon judgment of *non pros* may be entered.

Penalty for
non-compli-
ance with
order.

3. Where by virtue of the Common Law Procedure Act, chapter fifty of the Revised Statutes, an examination of any party or parties, witness or witnesses, has been taken before a Judge of either of the Superior Courts, or of any County Court, or before any other officer or person appointed to take the

Copies of de-
positions certi-
fied by person
taking the
same admissi-
ble in evi-
dence.

the

the same, copies of such examinations and depositions certified under the hand of the Judge, officer or other person taking the same, shall, without proof of the signature, be received and read in evidence, saving all just exceptions.

Time for
sheriff's sales
in Algoma
limited.

4. No Sheriff, Deputy Sheriff or other officer shall sell, or expose for sale under execution, any lands or tenements in the District of Algoma, except between the first day of July and the first day of November.

Clerk of the
Peace to act in
case of death,
etc., of Clerk
of County
Court.

5. In the event of the death, resignation, or removal of any Clerk of a County Court, the Clerk of the Peace for the County shall, *ex officio*, be clerk of the said County Court until another person is appointed and assumes the duties of the said office, and every Clerk of the Peace, while Clerk of the County Court as aforesaid, shall, except in the County of York, be also, *ex officio*, Deputy Clerk of the Crown and Registrar of the Surrogate Court. The Clerk of the Peace shall add the words *pro tem.* when affixing his official designation as Clerk of the County Court, Deputy Clerk of the Crown or Registrar of the Surrogate Court to his signature, in any writs, rules, grants or orders signed by him under the provisions of this section; Provided, however, that the preceding enactment as to the Clerk of the Peace being *ex officio* Registrar of the Surrogate Court shall not apply to any case where, at the time or the death, resignation, or removal of the Clerk of the County Court, he did not hold the office of Registrar of the Surrogate Court.

Proviso.

Superior
Courts of Law
may deliver
judgment out
of Term.

6. The Courts of Queen's Bench and Common Pleas, respectively, may meet at any time out of term to deliver judgments in cases previously argued, without the previous notice of such meeting having been given which is mentioned in the sixteenth section of the "Superior Courts of Law Act;" and all judgments pronounced, and rules and orders made, by virtue of this section shall have the same effect to all intents and purposes as if they had been pronounced in term time, or after the notice provided by the said "Superior Courts of Law Act" had been given.

Examination
of past
officers of
Corporations.

7. Persons who have ceased to be officers of a corporation may be examined under the one hundred and fifty-sixth section of the Common Law Procedure Act in the same manner as officers.

R. S., O., c.
42, s. 3,
amended.

8. Section three of the Local Courts Acts (chapter forty-two of the Revised Statutes) is hereby amended by adding thereto the following words "saving to each of them any statutory right or priority conferred by his appointment."

CHAPTER 16.

An Act to amend the Law as to the Limitation of Actions.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any plaintiff or person in any action, suit or proceeding, either at law or in equity, who has been or is resident without or absent from the Province of Ontario, shall have no greater or longer period of time to bring, commence or prosecute any such suit, action or proceeding, by reason of such non-residence in, or absence from Ontario, than if such plaintiff or person had been or were resident in Ontario when the cause of such action, suit or proceeding first accrued; and all and every exception or distinction in any law or statute relating to the limitation of actions now in force in Ontario, in favour of any plaintiff or person resident without or absent from Ontario, by whatever terms or words such residence without or absence from Ontario is stated or described in such law or statute shall be, and the same is hereby abolished and repealed, and this Act shall be deemed to have been in force on and from the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-seven, but shall not affect any suit pending at the time of the passing of this Act.

Distinction abolished between residents and non-residents as regards limitations of actions in Ontario.

CHAPTER 17.

An Act to amend the Act respecting Coroners.

[Assented to 11th March, 1879.]

WHEREAS it is expedient that in all cases where inquests are held by County Coroners, upon bodies of deceased persons who have come by their deaths within cities, that the allowance to medical practitioners who have been summoned by the Coroner to attend the inquest, should be borne by the city in which the inquest is held : Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Revised Statutes of Ontario, chapter seventy-nine, section nine, is amended by striking out all the words of R. S. O. c. 7 s. 9 amended.

of the said section after the word "same" in the ninth line, and inserting the following words in lieu thereof, "And the Coroner shall make his order on the treasurer of the county when the inquest is held in the County, and on the treasurer of the city when death occurs and the inquest is held in a city, in favour of such medical practitioner, for the payment of such fees or remuneration, and such treasurer shall pay the sum mentioned in such order to such medical witness, out of any funds he may then have in the County or City Treasury."

CHAPTER 18.

An Act to amend the Act respecting the Fees of Counsel and other Officers in the Administration of Justice.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R. S. O., cap.
84 amended.

1. Chapter eighty-four of the Revised Statutes is amended by adding thereto the following section:

Proviso.

It shall be lawful for the County Council to agree from time to time with the Clerk of the Peace for the payment to him of a gross annual sum, in lieu of all fees chargeable by him to the County, and which are not repayable to the County by the Province: Provided always, that either of the parties to any such agreement may determine the same on the thirty-first day of December in any year, by giving to the other one month's notice, in writing, of his or their intention so to do.

CHAPTER 19.

An Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Limits of Dis-
trict of Thun-
der Bay.

1. All the territory within Ontario lying west of the present easterly boundary of the territorial district of Thunder Bay, namely

namely, the meridian of eighty-seven degrees of west longitude, shall be part of the territorial district of Thunder Bay ; and for the same purposes as the said district is part of the Provisional Judicial District of Algoma, all the said territory is and shall continue to be part of such Provisional Judicial District ; but for the purposes of registration the said district of Thunder Bay shall not extend further west than a line drawn due north and south through the most easterly point of Hunter's Island, being the line known as the Provisional Westerly Boundary Line of Ontario, and hereafter styled the meridian of Hunter's Island.

2. All the territory within Ontario lying south of the height of land separating the waters which flow into Hudson's Bay from those which flow into Lake Superior and the Georgian Bay, and between the said meridian of eighty-seven degrees of west longitude and the present easterly boundary of the District of Algoma, namely, a line drawn due north from the most westerly mouth of French River, shall be and is part of the provisional judicial District of Algoma, and the said District of Algoma east of the said meridian of eighty-seven degrees of west longitude shall not hereafter extend northerly beyond the said height of land.

Limits of
District of
Algoma.

3. All the territory within Ontario lying to the east of the said meridian of eighty-seven degrees of west longitude and north of the said height of land, and also all the territory within Ontario lying east of the said line drawn due north from the most westerly mouth of French River and north of the southerly boundary of the temporary judicial District of Nipissing shall belong to and be part of the said District of Nipissing.

Limits of Dis-
trict of Nipis-
sing.

4. The Lieutenant-Governor may from time to time appoint for each of the said districts of Thunder Bay and Nipissing, as so constituted, an additional stipendiary magistrate, who shall hold office during pleasure ; and the stipendiary magistrate so appointed for Thunder Bay shall exercise within such district the magisterial, judicial and other functions provided for in the Revised Statute respecting the territorial Districts of Muskoka, Parry Sound and Thunder Bay ; and the stipendiary magistrate so appointed for the District of Nipissing shall exercise within such district the magisterial, judicial and other functions provided for in the Revised Statute respecting the administration of justice in unorganized tracts.

Stipendiary
Magistrates
may be ap-
pointed.

5. The expression "Stipendiary Magistrate," wherever it occurs in either of the said statutes, shall be taken to apply to any stipendiary magistrate appointed for the district under the provisions of the said Acts or of this Act ; and the Lieutenant-Governor in council may, from time to time, make such regulations as he considers expedient, in order to secure the due and convenient holding of Division Courts within the said districts.

"Stipendiary
Magistrate,"
meaning of
in certain
statutes.

Jurisdiction of
District Court
of Algoma.

6. Subject to the exceptions in the next section contained, the District Court of the District of Algoma shall, in addition to its present jurisdiction, have jurisdiction and hold plea

(1.) In all personal actions where the amount claimed does not exceed four hundred dollars.

(2.) In all actions and suits relating to debt, covenant and contract, where the amount or balance claimed does not exceed eight hundred dollars.

Provided always as to the additional jurisdiction so hereby conferred that the contract was made within Algoma, or the cause of action arose therein, or the defendant resides therein.

(3.) For the recovery of the possession of real estate in the said District.

(4.) In replevin, where the value of the goods or other property or effects distrained, taken or detained does not exceed the sum of four hundred dollars, and the goods, property or effects to be replevied are in the said District.

Exceptions to
jurisdiction.

7. But the said District Court shall not have jurisdiction in any of the following cases :

(1.) Actions for a gambling debt ; or upon a note of hand or other document given wholly or partly in consideration of a gambling debt.

(2.) Actions for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage, if the damages sought to be recovered exceed two hundred dollars.

(3.) Actions against a Justice of the Peace for anything done by him in the execution of his office, if the damages claimed exceed one hundred dollars.

Jurisdiction
in Division
Courts.

8. A Stipendiary Magistrate of Thunder Bay holding a Division Court within that portion of Thunder Bay lying west of the said meridian of Hunters' Island, or a Stipendiary Magistrate of the District of Nipissing holding a Division Court within that portion of Nipissing lying to the north of the height of land between the waters flowing into Hudson's Bay and the waters flowing southerly, may, subject to the restrictions hereinafter mentioned, hold plea of, and may hear and determine in a summary way for or against persons, bodies corporate or otherwise, any dispute or demand as hereinafter mentioned :

(1.) In all personal actions where the amount claimed does not exceed one hundred dollars, (except as in the next section excepted).

(2.) In all causes and suits relating to debt, contract, and
covenant,

covenant, where the amount or balance claimed does not exceed two hundred dollars, or, if the amount is ascertained by the signature of the defendant, to the sum of four hundred dollars.

Provided always that the contract or covenant was made within the said portion of the District of Thunder Bay or Nipissing in which the Court is held, or the cause of action arose therein, or the defendant resides therein.

(3.) In certain actions for the recovery of the possession of lands or other corporeal hereditaments situated in the said portion of the District aforesaid in which the Court is held, and the yearly value of which lands or hereditaments, or the rent payable in respect whereof, does not exceed one hundred dollars, that is to say :

(a) Where the term and interest of the tenant of any such corporeal hereditament has expired, or has been determined by the landlord or the tenant, by a legal notice to quit ;

(b) Where the rent of any such corporeal hereditament is sixty days in arrear, and the landlord has the right by law to re-enter for non-payment thereof ;

And in respect to such actions the said Courts shall have and exercise the same powers as belong to and as may be exercised by the Superior Courts of Common Law in and in respect to actions of ejectment.

(4.) In replevin, where it is made to appear that the value of the goods or other property or effects distrained, taken, or detained, does not exceed the sum of one hundred dollars, and the goods, property or effects to be replevied are in the said portion of the District in which the Court is held.

9. But the said Stipendiary Magistrate shall not have jurisdiction in any of the following cases : Exceptions to jurisdiction

(1.) Actions for any gambling debt.

(2.) Actions for any debt incurred for spirituous or malt liquors.

(3.) Actions on notes of hand or other documents given wholly or partly in consideration of a gambling debt or for spirituous or malt liquors.

(4.) Actions for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage.

(5.) Actions against a Justice of the Peace for anything done by him in the execution of his office, if he objects thereto.

10. The Lieutenant-Governor may from time to time appoint, under the Great Seal, an additional officer for the District Court of the Provisional Judicial District of Algoma, to be called the Deputy Clerk for Thunder Bay, who shall keep his office Lieutenant-Governor may appoint a Deputy Clerk for Thunder Bay.

office in such place within the District of Thunder Bay as the Lieutenant-Governor shall direct.

Clerk of First Division Court of Thunder Bay to act as Deputy Clerk when office vacant.

(2.) In case after an appointment has been made a vacancy occurs in such office, the Clerk of the First Division Court of Thunder Bay shall, *ex officio*, be such Deputy Clerk until another appointment is made.

Duties of Deputy Clerk.

(3.) Such Deputy Clerk shall issue writs for the commencement, in the District of Thunder Bay, of actions in the said District Court; and, in respect of actions commenced by the issue of such writs out of his office and of proceedings therein, such Deputy Clerk shall perform the like duties and shall have the like powers and rights as are performed or possessed by the Clerk of the said District Court at Sault Ste. Marie in respect of actions commenced by writs sued out of his office and of proceedings therein, and the said Deputy Clerk shall also issue such other writs and process as may be required in such actions as may in like cases be issued by the said Clerk of the District Court, and may renew any such writs as by law may be renewed.

Writ of *capias* not to be executed out of District.

(4.) No writ of *capias* issued under the next preceding section, shall be executed outside of the District of Thunder Bay; and every writ of *capias* so issued shall be marked by the Clerk, as follows: "Only to be executed within the District of Thunder Bay;" but this shall not prevent a copy of such writ of *capias* being served at any place within Ontario.

Seal of Court.

(5.) The Deputy Clerk of the said District Court shall have the custody of a seal in design similar to the seal of the Court in the custody of the Clerk at Sault St. Marie, and the said Deputy Clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said Court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said Court.

Issue of writ and venue in actions of ejectment.

11. In ejectment for lands situated in the District of Thunder Bay, or in any other action in the said District Court where the venue is local, and the cause of action arose in the District of Thunder Bay, the writ shall be issued out of the office of the said Deputy Clerk, and the venue shall be laid in the Territorial District of Thunder Bay, but the Judge may if he sees fit, change the venue in any action.

Time allowed for appearance;

12. The time allowed for appearance to a writ of summons issued as aforesaid for service within Ontario, or to a writ of *capias* or replevin issued as aforesaid, shall be twenty days after the service of the writ inclusive of the day of such service.

for putting in special bail;

(2.) The time allowed in any writ of *capias* issued as aforesaid, for putting in special bail, shall be thirty days, inclusive of

of the day of execution, unless a different time is fixed by the order for the writ.

(3.) The time allowed for appearance to any writ of ejectment issued as aforesaid, shall be thirty days, inclusive of the day of service. in ejectment.

13. In respect of actions commenced or to be commenced by the issue of process out of the office of the said Deputy Clerk, the Stipendiary Magistrate of Thunder Bay may, subject to an appeal to the Judge, do all such things, and transact all such business, and exercise all such authority and jurisdiction in respect of the same, as by virtue of any Statute or custom, or by the rules and practice in force in the said District Court, are now or under the provisions of this Act may be done, transacted, or exercised by the said Judge sitting at Chambers, except (unless by consent of the parties) in respect of the following proceedings and matters, that is to say:—

Powers and jurisdiction of Stipendiary Magistrate of Thunder Bay.

(a.) The referring of causes under the Common Law Procedure Act.

(b.) Reviewing taxation of costs.

(c.) Staying proceedings between verdict and judgment.

(2.) In such excepted matters, the said Stipendiary Magistrate may issue a Summons, returnable before the Judge, with or without a stay of proceedings, as he may think proper.

(3.) In case any matter shall appear to the said Stipendiary Magistrate to be proper for the decision of the Judge, the Stipendiary Magistrate may refer the same to the Judge, and the Judge may either dispose of the matter, or refer the same back to the Stipendiary Magistrate with such directions as he may think fit.

(4.) Appeals from the Stipendiary Magistrate's order or decision shall be made by summons, such summons to be taken out within ten days after the decision complained of, or within such further time as may be allowed by the Judge or by the said Stipendiary Magistrate.

(5.) An appeal shall be no stay unless so ordered by the Judge, or Stipendiary Magistrate.

(6.) The costs of an appeal shall be in the discretion of the Judge.

(7.) The fees and the scale of allowance thereof for all matters done by and before the Stipendiary Magistrate, shall be the same as are authorized for business done by and before the Judge.

(8.) The Stipendiary Magistrate in granting any summons or order may impose upon the party obtaining the same, such terms or conditions as he deems expedient.

Costs in certain cases.

14. Where the amount claimed in any action in the said District Court, or where in the case of ejectment or replevin the subject matter of the action, as appearing in the writ in ejectment, or in the affidavit filed to obtain the writ in replevin, is beyond the jurisdiction of the County Courts in other parts of Ontario, costs to a successful defendant shall be taxed upon the Superior Court scale.

(2.) In like manner where the plaintiff recovers in respect to a cause of action beyond the jurisdiction of the said County Courts, costs shall be taxed to him on the Superior Court scale, subject however to his obtaining the certificate or order of the Judge where under the Common Law Procedure Act such certificate or order is required in the Superior Courts.

Costs of attorneys.

(3.) In respect to any action within the provisions of the first part of this section the Attorney of an unsuccessful plaintiff shall be entitled to charge his client County Court costs only, unless he was instructed in writing by such client to sue in respect to a matter beyond the jurisdiction of the said County Courts, in which case the said Attorney shall be entitled to charge costs upon the Superior Court scale.

Revision of taxation.

(4.) Either party may as of right upon giving twenty days notice to the opposite party have the taxation of costs by the Deputy-Clerk revised by the Clerk at Sault Ste. Marie.

Lieutenant-Governor may appoint a sheriff for district of Thunder Bay

15. The Lieutenant-Governor may appoint a Sheriff of the said District of Thunder Bay, who shall keep an office at Prince Arthur's Landing in the said district, such appointment to take effect at a subsequent time to be notified in the *Ontario Gazette*;

S. 13 and part of s. 12 of R.S.O., c. 7 repealed from time of appointment.

(2.) And from the time such appointment takes effect, the thirteenth section of the Revised Statute respecting the Territorial Districts of Muskoka, Parry Sound and Thunder Bay, and all of the twelfth section of the said Statute after the word "Simcoe" shall stand repealed; and the said District of Thunder Bay shall thenceforth cease to form a part of the bailiwick of the Sheriff of the District of Algoma.

Writs to whom to be directed.

(3.) All writs and other process requiring to be directed to a Sheriff and intended to be executed within the said District of Thunder Bay shall be directed to the said Sheriff of Thunder Bay;

Repeal not to affect certain proceedings of Sheriff of Algoma.

(4.) Provided, however, that such repeal, or anything herein contained, shall not prevent the Sheriff of Algoma from proceeding upon, and completing the execution or service within the said District of Thunder Bay, of any writ of mesne or final process in his hands at the time of such repeal, or any renewal thereof, or any subsequent or supplementary writ in the same cause; or in the case of executions against lands, from executing all necessary

necessary deeds and conveyances relating to the same; and the acts of the said Sheriff of Algoma in respect of these matters shall be valid in the same manner and to the same extent as if this Act had not been passed, and no further.

(5.) The Revised Statute respecting the office of Sheriff R. S. O., c. 16, to apply. shall apply to the said Sheriff of Thunder Bay, except that it shall not be necessary for the Sheriff to justify in a sum greater than two thousand dollars over and above his just debts, nor shall it be requisite that such Sheriff shall be possessed of real estate to the said amount.

(6.) Neither the Sheriff of Algoma nor the Sheriff of Thunder Bay shall be required to execute or serve any writ, paper or proceeding for any party other than the Crown, until an amount reasonably sufficient to cover his mileage in travelling for the purpose of executing or serving the writ, paper, or proceeding is paid or tendered to him, unless the distance to be travelled for the purpose of such execution or service is less than ten miles. Sheriff not required to effect service until mileage paid.

(7.) Where the distance is less than ten miles no such Sheriff shall be required to execute or serve such writ, paper, or proceeding without such reasonable sum as aforesaid being paid or tendered him if he has previously notified the Attorney, Solicitor, or party whose name is endorsed on such writ, paper, or proceeding, or by whom such service is required, that prepayment of mileage will be required before execution or service of any writ, paper, or proceeding which such Attorney, Solicitor or party may desire to have served. Provision in case distance less than ten miles.

(8.) No Sheriff, Deputy-Sheriff, or other officer shall sell or expose for sale under execution, any lands or tenements in the District of Algoma, except during the months of July, August, September, or October. Time for sales of land limited.

16. The Stipendiary Magistrate upon the trial of any cause where the amount claimed is over two hundred dollars, or where the matters in dispute relate to the title of real estate, may find the facts, and state his finding thereon in the form of a special case for the opinion of the Court of Appeal; and in such case after delivering to the parties to the cause a copy of such special case, he shall forthwith transmit the same by registered letter to the Registrar of the Court, and shall delay the delivery of judgment in such cause until the Court shall have certified by rule, order, or certificate, its judgment upon the said special case. Stipendiary Magistrate may state case for Court of Appeal.

(2.) The Stipendiary Magistrate in any such case may, if he thinks fit, allow to the successful party, such sum as he may consider reasonable to cover the costs of procuring the judgment of the Court in the said special case, having regard to the fees taxable in such Court, but he shall in no case allow a larger sum for such costs than one hundred dollars. Allowance of costs to successful party.

New trial in
certain cases.

(3.) Where a verdict is rendered for a larger sum than one hundred dollars, or is in respect to a question of title to land or other corporeal hereditaments, the Stipendiary Magistrate may, within three months of the entry of judgment, upon good grounds being shown, grant a new trial upon such terms as he may think reasonable and just.

Evidence, &c.,
to be noted and
copies to be
furnished to
parties if re-
quired.

(4.) In all cases heard before the Stipendiary Magistrate where the amount claimed is two hundred dollars or upwards, or where the title to land or other corporeal hereditaments is in question, the stipendiary magistrate shall take full notes of the evidence given at the trial, and of all objections taken to the reception of any evidence, and of his rulings in respect thereof, and of his charge to the jury, in case a jury is empanelled, and shall upon payment therefor being made at the rate of ten cents per folio of one hundred words, to cover the cost of copying, deliver to either of the parties requiring the same a copy of such notes.

When appeal
lies.

(5.) If in any case mentioned in the preceding section where any party to a cause (as that expression is defined by the thirty-fourth section of the Revised Statute of Ontario, chapter forty-three) is dissatisfied with the decision of the magistrate upon any point which he may reserve at the trial for subsequent consideration, or upon any point of law arising upon the case, or respecting the reception or rejection of evidence, or is dissatisfied with his charge to the jury, or with his decision upon any motion for a non-suit or for a new trial, such party may appeal to the Court of Appeal.

Proceedings
may be stayed
until security
for appeal
given.

(6.) In such case the Stipendiary Magistrate, on the application of the appellant, his counsel, attorney, or agent, may stay proceedings in the cause for a time not exceeding thirty days in order to afford the appellant time to give the security herein-after required to enable him to appeal, but no such order staying proceedings shall be made except within six months after the entry of judgment.

Proceedings in
appeal.

(7.) The proceedings to be thereafter taken in an appeal, including the form and amount of bond or other security, and the certifying of the case to the Court of Appeal, shall be the same, as nearly as may be, as the proceedings to be taken in County Court Appeals under the said Revised Statute, chapter forty-three.

Stay of pro-
ceedings.

(8.) When the security has been perfected and allowed, the Stipendiary Magistrate shall, upon the application of the appellant, stay proceedings until the appeal is disposed of.

Directions by
Court of
Appeal in
certain cases.

17. In case at the time that the proceedings are certified to the Court of Appeal any part of the judgment has been paid or collected, or in case of ejectment if the plaintiff has been put in possession

possession of the property, the fact shall be certified to the Court of Appeal and the said Court shall give such directions to the Court below as the exigency of the case may require, and the Stipendiary Magistrate shall make order or give judgment in accordance with such direction, and the same may be enforced by writs of execution issued out of the Division Court.

18. Every judgment of the said Division Courts may be enforced by writs or other process framed in accordance with the requirements of the case, and similar in form to writs or other process for like purposes issued out of the Superior Courts.

19. Every Stipendiary Magistrate of the district of Thunder Bay or Nipissing, may exercise the authority conferred upon County Court Judges by the Revised Statute respecting Overholding Tenants.

20. The following is hereby substituted for the sixteenth section of the Revised Statutes of Ontario, chapter seven :

Enforcing judgment.
Jurisdiction in case of overholding tenants.
New section substituted for R. S., O., c. 7, s. 16.

16. Any gaol or lock-up erected in the said District of Thunder Bay, under the authority of the Lieutenant-Governor, or any building so declared by order in Council, shall be a common gaol of such District, and of the Provisional Judicial District of Algoma, for the safe custody of persons charged with the commission within the said District of Thunder Bay of crimes, or with the commission therein of offences against any statutes of this Province, or against any municipal by-law, who may not have been finally committed for trial; or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within the said District of Thunder Bay; or for the confinement of persons sentenced within the said District for crimes or for offences as aforesaid for periods not exceeding six months; or for the confinement of persons sentenced as aforesaid for periods exceeding six months, until such persons can be conveniently removed to the gaol at Sault Ste. Marie, or other lawful prison to which they are sentenced.

Gaols.

21. The provisions of this Act, so far as they relate to the Districts of Algoma and Nipissing, shall be construed as part of the Revised Statute respecting the administration of justice in unorganized tracts, and so far as they relate to the District of Thunder Bay, they shall be construed as part of the said Revised Statute respecting the Territorial Districts of Muskoka, Parry Sound, and Thunder Bay.

Act to be construed partly with R. S. O. c. 90, and partly with R. S. O. c. 7.

CHAPTER 20.

An Act to give to Mortgagees certain powers now commonly inserted in Mortgages.

[Assented to 11th March, 1879.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Powers incident to mortgages.

1. Where any principal money is secured or charged by deed hereafter executed on any hereditaments of any tenure, or on any interest therein, the person to whom such money shall, for the time being, be payable, his executors, administrators and assigns, shall, at any time after the expiration of six months from the time when such principal money shall have become payable, according to the terms of the deed, or after any interest on such principal money shall have been in arrear for six months, or after any omission to pay any premium or any insurance which, by the terms of the deed, ought to be paid by the person entitled to the property subject to the charge, have the following powers, to the same extent (but no more) as if they had been in terms conferred by the person creating the charge, namely :

1st. A power to sell, or concur with any other person in selling, the whole or any part of the property by public auction or private contract, subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale, or buy in and re-sell the property, from time to time, in like manner.

2nd. A power to insure, and keep insured, from loss or damage by fire, the whole or any part of the property (whether affixed to the freehold or not) which is in its nature insurable, and to add the premiums paid for any such insurance to the principal money secured at the same rate of interest.

Receipts for purchase money sufficient discharges.

2. Receipts for purchase money given by the person or persons exercising the power of sale hereby conferred, shall be sufficient discharges to the purchaser, who shall not be bound to see to the application of such purchase money.

Notice before sale.

3. No such sale as aforesaid shall be made until after three months' notice in writing has been given to any subsequent encumbrancer, and to the person entitled to the property subject to the charge and to such encumbrance, the notice to be given either personally or at his usual or last place of residence in this Province, which notice may be given at any time after any default in making a payment provided for by the deed.

(2.)

Not to apply where deed contains powers & power to insure see sec. 12.

(2.) In case of the death of the person entitled subject to the charge, and of his interest therein passing to infant heirs or devisees, the notice shall be given as aforesaid to his executors or administrators, as well as to his heirs or devisees, as the case may be.

(3.) The notice for an infant heir is to be served upon his guardian, and is also to be served upon the infant himself, if over the age of twelve years.

4. But when a sale has been effected in professed exercise of the powers hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such power, or that such power has been improperly or irregularly exercised, or that no such notice as aforesaid has been given; but any person damaged by any such unauthorized, improper, or irregular exercise of such power, shall have his remedy against the person selling.

Improper sale
not to defeat
title of pur-
chaser.

5. The notice of sale may be in the following form or to the following effect:

Form of
notice.

I hereby require you on or before the day of 18 ,
(*a day not less than three calendar months from the service of the notice, and not less than six calendar months after the default*)
to pay off the principal money and interest secured by a certain indenture dated the day of 18 and expressed to be made between (*here state parties and describe mortgage property*) which said mortgage was registered on the day of (*and if the mortgage has been assigned add: and has since become the property of the undersigned*). And I hereby give you notice that the amount due on the said mortgage for principal, interest, and costs respectively, is as follows: (*set the same forth*).

And unless the said principal money and interest and costs are paid on or before the said day of I shall sell the property comprised in the said indenture under the authority of the Act entitled "An Act to give to mortgagees certain powers now commonly inserted in mortgages." Dated the day of 18 .

6. The notice of sale of lands may be registered in the registry office of the registration division in which the lands are situate, in the same manner as any other instrument affecting the land, and such registration shall have the same effect, and the duties of the registrar in respect of the same shall be as in the case of any other registered instrument, and the fee to be paid such registrar for registering the same shall be fifty cents.

Registration of
notice.

7. The affidavit for the purpose of registering the notice shall be by the person who served the same, and shall prove the time, place, and manner of such service, and also that the

Affidavit for
registration.

copy

copy delivered to the registrar is a true copy of the notice served.

Certified copy
of registered
notice to be
evidence.

(2.) A copy of any such registered notice and affidavit, certified under the hand and seal of office of the registrar, shall in all cases be received as *prima facie* evidence of the facts therein stated.

Application of
purchase
money.

8. The money arising by any sale effected as aforesaid shall be applied by the person receiving the same as follows : first, in payment of all the expenses incident to the sale or incurred in any attempted sale ; secondly, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made ; and thirdly, in discharge of all the principal moneys then due in respect of such charge ; and the residue of such money shall be paid to the subsequent encumbrancers according to their priorities, and the balance to the person entitled to the property subject to the charge, his heirs, executors, administrators, or assigns, as the case may be.

Conveyance to
the purchaser.

9. The person exercising the power of sale hereby conferred shall have power by deed to convey or assign to and vest in the purchaser the property sold, for all the estate and interest therein, which the person who created the charge had power to dispose of.

Owner of
charge may
call for title
deeds and con-
veyance of
legal estate.

10. At any time after the power of sale hereby conferred shall have become exercisable, the person entitled to exercise the same shall be entitled to demand and recover, from the person entitled to the property subject to the charge, all the deeds and documents in his possession or power relating to the same property, or to the title thereto, which he would have been entitled to demand and recover if the same property had been conveyed, appointed, surrendered, or assigned to and were then vested in him for all the estate and interest which the person creating the charge had power to dispose of ; and where the legal estate shall be outstanding in a trustee, the person entitled to a charge created by a person equitably entitled, or any purchaser from such person, shall be entitled to call for a conveyance of the legal estate to the same extent as the person creating the charge could have called for such a conveyance if the charge had not been made.

Taxation of
costs.

11. The mortgagee's costs may, without any order, be taxed by the Master in Chancery or Local Master, at the instance of any party interested.

Provisions as
to sale, etc.,
not to apply in
certain cases.

12. So much of this Act as provides for a power to sell shall not apply in the case of a deed which contains a power of sale ; and so much of this Act as provides a power to insure shall not apply in the case of a deed which contains a power to insure, nor shall this Act apply to any deed which contains a declaration that this Act is not to apply thereto.

CHAPTER 21.

An Act respecting Investments of Trust Funds.

[Assented to 11th March, 1879.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Any trustee, executor or administrator, if not, by the instrument creating his trust, expressly forbidden to do so, may invest any trust fund in debentures of any Society or Company incorporated under chapter one hundred and sixty-four of the Revised Statutes of Ontario or any act incorporated therewith, having a capitalized, fixed and permanent stock not liable to be withdrawn therefrom, amounting to at least one hundred thousand dollars, and he shall not on account of the investment be liable as for a breach of trust, provided that such investment shall in other respects be reasonable and proper, and that the debentures are registered and transferable only on the books of such Society or Company in his name as trustee for the particular trust estate for which they are held.

Trustees may invest in Debentures of certain Companies. Proviso.

2. This Act shall not come into operation until the first day of January, one thousand eight hundred and eighty, and shall not apply to any instrument creating a trust executed before that day.

Time Act to take effect.

CHAPTER 22.

An Act to amend the Law of Dower.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No bar of dower contained in any mortgage, or other instrument intended to have the effect of a mortgage or other security, upon real estate, shall operate to bar such dower to any greater extent than shall be necessary to give full effect to the rights of the mortgagee or grantee under such instrument.

Effect of bar of dower in mortgages.

2. In the event of a sale of the land comprised in any such mortgage or other instrument, under any power of sale contained therein or under any legal process, the wife of the mortgagor or grantor

Wife entitled to dower in surplus of purchase

money arising
from sale
under mort-
gage.

grantor who shall have so barred her dower in such lands, shall be entitled to dower in any surplus of the purchase money arising from such sale, which may remain after satisfaction of the claim of the mortgagee or grantee, to the same extent as she would have been entitled to dower in the land from which such surplus purchase money shall be derived had the same not been sold.

Payment of
money into
Court.

3. A mortgagee or other person holding any money out of which a married woman shall be dowable under the preceding sections of this Act may pay the same into the Court of Chancery to the credit of such married woman and the other persons interested therein.

Order for se-
curing right
of dower.

(2.) The Court of Chancery, or any Judge thereof, may on a summary application by petition or motion, make such order for securing the right of dower of any married woman, in any money out of which she shall be dowable, as may be just.

Widow's
election.

4. A widow shall not be entitled to take her interest in money under this Act, and in addition thereto a share of the money as personal estate.

Partition or
Administra-
tion suits.

5. In case of a suit for partition or administration or any suit in which a partition or sale of land is ordered, and in which the estate of any tenant in dower or tenant by the courtesy or for life is established, if the person entitled to such estate has been made a party to the proceedings, the Court or Judge shall determine whether such estate ought to be exempted from the sale or whether the same should be sold; and in making such determination regard shall be had to the interests of all the parties.

(2.) If a sale is ordered including such estate, all the estate and interest of every such tenant shall pass thereby; and no conveyance or release to the purchaser shall be required from such tenant; and the said purchaser, his heirs and assigns, shall hold the premises freed and discharged from all claims by virtue of the estate or interest of any such tenant, whether the same be to any undivided share, or to the whole or any part of the premises sold.

(3.) In such case the Court or Judge may direct the payment of such sum in gross out of the purchase money to the person entitled to dower or estate by the courtesy or for life, as may be deemed, upon the principles applicable to life annuities, a reasonable satisfaction for such estate; or may direct the payment, to the person entitled to dower or estate by the courtesy or for life, of an annual sum, or of the income or interest to be derived from the purchase money or any part thereof, as may seem just, and for that purpose may make such order for the investment

vestment or other disposition of the purchase money or any part thereof as may be necessary.

6. Where any married woman is a party to such proceedings as petitioner, if her claim is an inchoate right of dower, then, in case of sale, the Court shall determine the value of such right according to the principles applicable to deferred annuities and survivorships, and shall order the amount of such value to be paid; or shall order the payment to such married woman, of an annual sum, or of such income or interest as is provided in section five of this Act, and such payment shall be a bar to any right or claim of dower.

Determining
value of claim
to inchoate
right of dower.

CHAPTER 23.

An Act to extend the powers of Gas Companies.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All gas companies now existing or hereafter formed, and whether incorporated by special Acts or under any general Act are hereby authorized to manufacture and supply gas for heating, cooking, and all other purposes for which gas is capable of being used, and to manufacture and supply electric, galvanic, or any other artificial light, either in connection with gas or otherwise; and to acquire any patent or other rights for the manufacture or production of any artificial light; and to manufacture or buy, and also to sell or lease, all fittings, machines, apparatus, or other things required for the use of the said company or its consumers.

Powers of Gas
Companies
extended.

2. For the purpose of exercising the said powers or any of them, the existing gas companies may use their present works so far as practicable, and may alter their existing works, or erect new works; and all powers which they now possess may be exercised and enforced in respect to all works or apparatus which the said companies shall construct or use in the exercise of the powers by this Act created or any of them.

Power to use
present works
&c.

3. The powers of a municipal corporation for lighting the municipality, or for constructing gas works, whether by the Municipal Act, Revised Statutes of Ontario, chapter one hundred and seventy-four, or by any special Act, are hereby extended so as to include the powers conferred on gas companies

Powers hereby
granted,
extended to
Municipal
Corporations.

panies by this Act; and the said extended powers of Municipal Corporations shall be subject to the provisions of the Municipal Act, or the special Act (if any), so far as the same may be applicable.

Company not to take private property till compensation made.

4. No company shall be entitled by virtue of this Act to take possession or make use of private property, or to do any work thereon, under the compulsory powers of the company in that behalf, until the amount to be paid for or in respect of such property is ascertained by arbitration or otherwise, as the case may be, and is paid or tendered to the parties entitled thereto, or is paid into Court for their benefit.

Consent of municipality required.

5. No company shall be entitled to the benefit of this Act until it has obtained the consent of the municipal corporation of the city or local municipality within which the powers hereby given are to be exercised by such company; such consent to be by by-law, and to be on such terms and conditions as the by-law may provide.

CHAPTER 24.

An Act respecting Steam and Heating Companies.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Mode of Incorporation.

1. Any five or more persons who desire to form a company for supplying steam, hot air or hot water for power and for heating purposes in any city, town, incorporated village, township or other municipality, may become incorporated under the Act respecting the incorporation of Joint Stock Companies by Letters Patent, chapter one hundred and fifty of the Revised Statutes, and all the powers and provisions contained in the said Act shall, so far as applicable and consistent with the provisions and powers herein contained, apply to any such steam and heating company.

Powers.

2. Every company incorporated under this Act, may construct, maintain, complete and operate works for the production of steam, hot air or hot water, for purposes of power and heating, and may conduct the same by means of pipes or otherwise, through, under and along the streets, highways and public places of such cities, towns and other municipalities; but, as to such streets, highways and public places, only upon
and

and subject to such agreement in respect thereof, as shall be made between the company and the said municipalities respectively, and under and subject to any by-law or by-laws of the councils of the said municipalities passed in pursuance thereof.

3. Sections fifty to sixty, inclusive, and sections sixty-two to eighty-five, inclusive, of the Act respecting joint stock companies for supplying cities, towns, and villages with gas and water, being chapter one hundred and fifty-seven, Revised Statutes of Ontario, shall be read as forming part of this Act, except that the said sections shall, for the purposes of this Act, be read as providing for the passage and supply of steam, hot air or hot water, for the purpose of heating and power, instead of the passage and supply of water or gas, the words "steam," "hot air," or "hot water" being, for the purposes aforesaid, substituted for the words "gas or water," or "gas and water," wherever the said words occur in the said sections.

Certain sections of the Gas Companies' Act made applicable.

4. No company shall be entitled by virtue of this Act to take possession or make use of private property, or to do any work thereon, under the compulsory powers of the company in that behalf, until the amount to be paid for or in respect of such property is ascertained by arbitration or otherwise, as the case may be, and is paid or tendered to the parties entitled thereto, or is paid into Court for their benefit.

Company not to take private property till compensation made.

CHAPTER 25.

An Act to provide for the Inspection of Insurance Companies.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. For the efficient administration of the Insurance business in the Province of Ontario, the Lieutenant-Governor in Council may appoint an officer to be called the Inspector of Insurance, who shall act under the instructions of the Treasurer of Ontario, and his duty shall be to examine and report to the said Treasurer from time to time upon all matters connected with insurance as carried on by the Companies subject to the legislative authority of this Province doing the business of Insurance in Ontario, or required by the said Acts or by this Act to make returns of their affairs.

Appointment of Inspector.

Salary.

(2) The salary of the Inspector shall not exceed two thousand dollars per annum, and it shall be lawful to provide from time to time such assistance as may be found necessary.

Duties.

2. The Inspector of Insurance shall visit the Head Office of every such Company in Ontario at least once in every year, and shall carefully examine the statements of the Company as to its condition and affairs and report thereon to the Treasurer as to all matters requiring his attention and decision.

(2.) The Inspector shall from such examination prepare and lay before the Treasurer an annual report of the condition of every Company's business as ascertained by him from his personal inspection, and such report shall be made within thirty days after the commencement of each annual session of the Parliament of Ontario.

Provision if
Inspector
deems further
inquiry
necessary.

3. If the Inspector after a careful examination into the condition and affairs of any Company, deems it necessary and expedient from the annual or other statement furnished by such Company to the Treasurer, or from any other cause, to make a further examination into the affairs of such Company and so reports to the Treasurer, the Treasurer may in his discretion instruct the Inspector to visit the office of such Company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition, and ability to meet its engagements, and whether it has complied with the conditions of the Ontario Insurance Act and the Act respecting Mutual Fire Insurance Companies and any other statutes, conditions, and provisions applicable to transactions of the company.

Powers of
Inspector.

(2.) It shall be the duty of the officers or agents of any such Company to cause their books to be open for the inspection of the Inspector, and otherwise to facilitate such examination so far as may be in their power; and the said Inspector shall have power to examine under oath any officer or agent of the Company relative to its business.

Report of
Inspector.

(3.) A report of all companies so visited by the Inspector shall be entered by him in a book kept for that purpose, with notes and memoranda showing the condition of each company, and a special written report shall be communicated to the Treasurer stating the Inspector's opinion of the condition and financial standing of each Company, and all other matters desirable to be made known to the Treasurer.

Provision if
Company ap-
pears unsafe.

(4.) If it appears to the Inspector that the assets of any company are insufficient to justify its continuance of business, or unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such company to the Treasurer.

Company as-
suming name

(5.) If it appears to the Inspector that any Company, which has

has not been incorporated by special Act of the Legislature of Ontario, has assumed the name of a previously established Company, or any name liable to be unfairly confounded therewith, or otherwise on public grounds objectionable, he shall make a report thereof to the Treasurer.

(6.) After full consideration of the report, and a reasonable time being given to the Company to be heard, and if, after such further inquiry and investigation (if any), as he may see proper to make, the Treasurer reports to the Lieutenant-Governor in Council that he agrees with the Inspector in the opinion expressed in his report, then, if the Lieutenant-Governor in Council also concurs in such opinion, an order in Council may issue, suspending or cancelling the license of such Company, and prohibiting the said Company from doing any further business, and thereafter it shall not be lawful for such Company to do any further business in Ontario, until such suspension or prohibition is removed by the Lieutenant-Governor in Council.

Report of
Treasurer.

(7.) Notice of the suspension or cancelling of any license, and prohibition from doing any further business, shall be published in the *Ontario Gazette*; and thereafter any person delivering any policy of insurance, or collecting any premiums, or transacting any business of insurance on behalf of such Company, shall be liable to a fine of one thousand dollars, which penalty may be sued for and recovered on information filed in the name of the Attorney-General of Ontario; and one-half of said penalty when recovered shall be paid to the Crown for the benefit of the Province, and the other half of the said penalty to the informer; and in case of non-payment of such penalty and costs within one month after said judgment, the person so offending shall be liable to imprisonment in any gaol or prison for a period not exceeding six months in the discretion of the Court wherein he is convicted.

Suspension of
License and
notice thereof.

4. The Inspector of Insurance, or any officers under him, shall not be interested as shareholders, directly or indirectly, with any insurance company doing business in Ontario.

Inspector
and Officers
not to be in-
terested in any
company.

5. Towards defraying the expense of the office of the Inspector, a sum not exceeding three thousand dollars shall be annually contributed by the insurance companies hereinbefore referred to, and consisting of all companies required to be licensed under this Act, or under the Ontario Insurance Act, and also of all Mutual Insurance Companies required to make returns under the Act respecting Mutual Fire Insurance Companies, and this sum shall be assessed *pro rata* upon the gross premiums or premium notes or undertakings received by each Company during the preceding year, the proportion whereof is properly applicable to the payment of premiums for such year, such sum to be paid upon the issue of the annual license, or at such other time as the Treasurer may direct, and the Treasurer's certificate shall be conclusive as to the amount each or any Company is to pay.

Contribution
from com-
panies to
expenses.

CHAPTER 26.

An Act to amend the Building Societies Act.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS by the Revised Statutes of Ontario, chapter one hundred and sixty-four, section fifty-two, it is enacted as follows:

"The Board of Directors of any such Society having a paid up capital of not less than two hundred thousand dollars in fixed and permanent stock not liable to be withdrawn therefrom may issue debentures of such society to such an amount as with all the other liabilities of such society will be equal to double the amount of the capitalized fixed and permanent stock not liable to be withdrawn therefrom and the reserve fund of such Society;"

And by sub-section two of said section fifty-two it is also enacted that

"The total liabilities of such Society shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such Society, and in estimating the liabilities of such Society the amount of cash actually in the hands of such Society or deposited in any Chartered Bank shall be deducted therefrom."

And whereas doubts may arise as to the meaning of the words "liabilities of such Society" where the same occur in the said section fifty-two:—

And whereas it is expedient to remove such doubts and to amend the said Act:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S., O., c.
164, s. 52, sub-
s. 1 amended.

1. The first sub-section of section fifty-two of chapter one hundred and sixty-four of the Revised Statutes of Ontario, is hereby amended by striking out the word "two," and inserting the word "one" in lieu thereof.

Interpretation.

2. In the said section fifty-two the words "liabilities of such Society," or "total liabilities of such Society" shall be taken to mean and are hereby declared to mean only the liabilities of any such Society to the public and shall not be taken to include, and it is hereby declared that the same do not include the liability of any such Society to its shareholders in respect of its capital stock, or otherwise to its shareholders as such.

Extension of
business into
various
Provinces of
the Dominion.

3. The directors of any Society or Company incorporated under the said chapter one hundred and sixty-four, or any Act consolidated therein, which shall, under the authority of the

the Parliament of Canada, and of the Legislature of the Province in which it is proposed that the business of the Society or Company is to be carried on, pass a By-law authorizing its Directors to extend the business of such Society or Company into any of the Provinces of the Dominion, may give effect to such By-law without being liable or responsible as for any breach of trust in so doing.

4. Section forty-eight of said Chapter one hundred and sixty-four is hereby repealed and the following substituted therefor: R. S. O., c. 164, s. 48 repealed, and new section substituted.

"Any Society may hold absolutely real estate for the purposes of or in connection with its place or places of business not exceeding the annual value of ten thousand dollars;" but this section shall not affect any action or suit now pending.

5. No Shareholder shall be entitled to pay on account of his shares in advance of calls where such payments are prohibited by the by-laws of the Society or Company. Payment in advance of calls.

CHAPTER 27.

An Act to amend The Railway Act of Ontario.

[Assented to 11th March, 1879.]

WHEREAS the Parliament of Canada has made adequate Preamble. provision for certain cases dealt with by the fifteenth and sixteenth sub-sections of the ninth section of "The Railway Act of Ontario;" and whereas it is no longer expedient that certain of the provisions of the said sub-sections should apply to such cases:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The sixteenth sub-section of the ninth section of "The Railway Act of Ontario," and the provisions for the ascertainment of compensation contained in the fifteenth sub-section of the said ninth section of said Act, shall no longer extend or apply to any Railway incorporated under an Act of the Legislature of Ontario, in any case in which it is proposed that such Railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined, or united with a Railway under the Legislative control of Canada. Certain provisions of sub-ss. 15 and 16 of s. 9 of R. S. O. c. 165, not to apply in certain cases.

CHAPTER 28.

An Act to authorize the issuing of Scrip for Railway Grants in certain cases.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Aid to Railways may be made by annual payments for a term of years in lieu of one gross sum.

1. Upon the application of any Railway Company entitled to receive aid out of the Consolidated Railway Fund by way of a gross payment per mile by virtue of the provisions of the Act passed in the thirty-ninth year of Her Majesty's reign, entitled "An Act respecting aid to certain Railways, and for other purposes," or of the provisions of the Act passed in the fortieth year of Her Majesty's reign, entitled "An Act respecting aid to certain Railways and the creation of a Railway Land Subsidy Fund," or of the provisions of the Act passed in the forty-first year of Her Majesty's reign, entitled "An Act respecting aid to certain Railways," the Lieutenant-Governor-in-Council may, at his option, direct, in lieu of such gross payment, that payment shall be made semi-annually to the said Company at the yearly rate of one hundred and seventy-three dollars and four cents for the full period of twenty years for every sum of two thousand dollars to which such Company is entitled by virtue of the said Acts or any of them, and in like proportion for every proportional part of two thousand dollars.

Time of semi-annual payments.

2. Such semi-annual payments of eighty-six dollars and fifty two cents shall be made on the thirtieth day of June, and thirty-first day of December, of each year, and the time shall be computed in manner following, that is to say :

(a). If the portion of the Railway for which payment is made, has been completed between the First day of January, and the First day of July, the payments shall be computed as commencing on the First day of January, of the preceding year.

(b). If the portion for which the payment is made has been completed between the First day of July, and the Thirty-first day of December, the payment shall be computed as commencing on the First day of July, of the preceding year.

Form of scrip to be issued for such semi-annual payments.

3. Scrip or Certificates similar in form to the form of Certificate given in "Schedule A," of the said Act, passed in the Forty-first year of Her Majesty's reign, entitled "An Act respecting aid to certain Railways," may by direction of the Lieutenant-Governor in Council, be issued for such semi-annual payments, and the provisions of the fourth sub-section of the fourth section of the said last mentioned Act, shall apply to scrip or certificates issued under this Act.

CHAPTER

CHAPTER 29.

An Act respecting the power of Mechanics' Institutes and Library Associations to deal with their Real Estate.

[Assented to 11th March, 1879.]

WHEREAS doubts have been raised in respect to the power of Mechanics' Institutes and other Associations incorporated or acting under the provisions of the Revised Statute respecting Library Associations and Mechanics' Institutes, to sell or mortgage real estate held by such Associations; and it is desirable to remove any such doubts, and to define the mode by which the assent of the members of the Association to any proposed sale or mortgage, may be testified. Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In case a resolution authorizing or recommending the sale or conveyance by way of mortgage of any real estate belonging to any Association, incorporated or lawfully acting under the provisions of the said Statute, is passed by two-thirds of the Directors or Trustees of such Association, and is at any time within six months thereafter, approved by a vote of the majority of the members of such Association entitled to vote under its by-laws, present at an annual meeting, or at any general meeting duly called in accordance with the provisions of its said by-laws in respect of the calling of general meetings, the Directors or Trustees may sell and convey such real estate, or may convey the same by way of mortgage in security for any moneys borrowed for the purposes of the Association. Manner of authorizing sales and mortgages.

2. In the notice calling any annual or general meeting, at which it is proposed to submit for approval such a resolution, it shall be stated that a resolution authorizing or recommending the selling or mortgaging of such real estate will be submitted at the said meeting for approval; and such notice is to be given at least two weeks before the day of meeting. Purpose of meeting to be stated in notice calling same.

3. Every conveyance, whether absolute or by way of mortgage, executed in pursuance of this Act, shall be executed by the President and Secretary of the Association, if such Association has under its by-laws a President and Secretary; or if the by-laws of the Association do not provide for the appointment of these officers, then by the majority of the Trustees or Directors; and every such conveyance shall be under the Corporate seal of the Association. Mode of executing conveyances.

4. In case a conveyance executed under this Act recites the resolution of the Directors and Trustees, and the proceedings Recital prima facie evidence.

ings taken with reference thereto, such recital shall be *prima facie* evidence of the passing of such resolution, and of the action taken in respect thereof.

Certain conveyances confirmed.

5. Every conveyance, either absolute or by way of mortgage, of any real estate of any Association incorporated under the said Act or acting thereunder, heretofore made and executed by the President of the Association, or by the majority of the Directors or Trustees, acting under the authority of a resolution of a general meeting of the Association, or of a resolution of the Directors or Trustees, shall, if the consideration has been substantially applied for the purposes of the Association, be held to be valid and effectual.

CHAPTER 30.

An Act to extend the right of taking the Security of Guarantee Companies.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Bonds of Guarantee Companies may be taken as security.

1. Notwithstanding the provisions of any Act of the Legislature of the Province of Ontario, the bonds or policies of guarantee of any such incorporated company—empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers, or others, or for like purposes—as shall be approved for this purpose by the Governor in Council, may be accepted by any judge or other person authorized or required to take security for the due performance of any duty, instead of or in addition to the bond or security of a surety or sureties, if such judge or other person sees fit to accept such bond or policy as aforesaid, and approves the conditions and terms thereof: and all the provisions in any such Act relating to the security to be given by any person to whom any duty is committed, or his surety or sureties, shall apply to the bonds or policies of guarantee of such company as aforesaid.

CHAPTER 31.

An Act to amend the Municipal Law.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "The Municipal Amendment Act of 1879." Mode of citation.

2. Section seventy-four of the Municipal Act is hereby amended by inserting after the word "retail" in the ninth line the words "no person who is a License Commissioner or Inspector of Licenses, or Police Magistrate," but this Act shall not disqualify any person heretofore elected as a member of any Council for this present year. R. S. O. c. 174.
s. 74 amended.

3. The seventy-fourth section of the Municipal Act, shall apply to members of a Municipal Council to be elected under the Act respecting the establishment of Municipal institutions in the districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay, chapter one hundred and seventy-five of the Revised Statutes. R. S. O. c.
174, s. 74.
R. S. O. c. 175.

4. Section one hundred and six of the said Act is amended by inserting the words "at the town hall of such Municipalities or at" before the word "such" in the fifth line thereof. S. 106 amended.

5. Section one hundred and seven of the said Act is amended by inserting the words "at the town hall of the Township or at" before the word "such" in the seventh line thereof. S. 107
amended.

6. Section one hundred and nine of the said Act is amended by striking out the words "situate in remote parts of the County" in the fourth line thereof. S. 109 amended.

7. Section one hundred and thirteen of the said Act is amended by inserting therein, immediately after the word "meeting," in the first line thereof, the words "or at any time thereafter before the polling day." S. 113 amended.

8. The following shall be added to section two hundred and forty-seven of the said Act as sub-section one : S. 247
amended.

1. In case of the death of a County Treasurer the Warden for the time being may, by Warrant under his hand and seal, appoint a Treasurer *pro tem* for such special purpose or purposes as the Warden may deem necessary, who shall hold office until

Appointment
of deputy
treasurer.

Proviso.

until the next meeting of the Council, and all acts performed by him authorized by said Warrant shall be as valid and binding as if performed by a Treasurer regularly appointed; Provided always that the Warden shall in and by such warrant of appointment direct what security shall be given by such Treasurer *pro tem* for the faithful performance of his duties and especially for duly accounting for and paying over all moneys which may come into his hands, and he shall, before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased Treasurer until a proper audit shall be made.

S. 319 repealed. **9.** Section three hundred and nineteen of the said Act is hereby repealed, and the following substituted therefor:

Promulgation
of by-laws.

319. Every promulgation of a by-law shall consist in the publication through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the Courts to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper published either within the Municipality, or in the County Town, or in a public newspaper published in an adjoining local municipality, as the Council may by resolution designate, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper, each week, for three successive weeks.

Sub-ss. 3, 4, 5
of s. 330 re-
pealed.

10. Sub-sections three, four and five, of section three hundred and thirty, are hereby repealed, and the following sub-sections substituted therefor:

Yearly rate.

3. The by-law shall settle a certain specific sum to be raised annually, for the payment of interest during the currency of the debentures; also, a certain specific sum to be raised annually for the payments of the debt; such sum to be such as will be sufficient with the estimated interest on the investments thereof, to discharge the debt when payable.

Interest on in-
vestments how
estimated.

4. In settling the sum to be raised annually for the payments of the debt, the rate of interest on investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly.

Property on
which rate to
be levied.

5. The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate, sufficient therefor, on all the ratable property in the Municipality; or, if the by-law is for a work payable by local assessment, on all the property ratable under the by-law, or per foot frontage, as the case may be.

Sub-s. 6 of s.
330 amended.

11. Sections (d) and (e) of sub-section six of section three hundred

hundred and thirty of the said Act are hereby repealed, and the following is substituted for said section (d):

(d). The amount of the existing debenture debt of the Municipality, and how much (if any) of the principal or interest is in arrear. Amount of existing debt to be shewn.

12. Sub-section (d) of section three hundred and thirty-one, of the said Act is hereby repealed. Sub-s. (d) of s. 331 repealed.

13. Sub-section two of section three hundred and thirty-two of the said Act is hereby repealed, and the following substituted therefor: Sub-s. 2 of s. 332 repealed.

2. Such by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt, as the said instalments and interest become, respectively, payable according to the terms of the by-law; and in cases within this section it shall not be necessary that any provision be made for a sinking fund. What by-law shall set out.

14. Section three hundred and ninety-three of the said Act is hereby amended by inserting the words "covenant or agreement," after the words "note or notes," and before the words "to be given in security therefor," occurring at the end thereof. S. 393 amended.

15. Section four hundred of the said Act is hereby amended by introducing the words "and with or without hard labour," after the words "thirty days," in the tenth line of the said section. S. 400 amended.

16. Section four hundred and forty-two of the said Act is amended by striking out all the words in the said section after the words "Division Courts," in the ninth line, and adding the following: "and shall provide proper offices, together with fuel, light, and furniture for all officers connected with such courts, other than Official Assignees." S. 442 amended.

17. Section four hundred and forty-five of the said Act is amended by adding next after the word "Courts" in the tenth line thereof, the words "and all other charges relating to Criminal Justice, payable by the County in the first instance, except Constables' fees and disbursements, and charges connected with Coroners' inquests, and such other charges as the Counties are entitled to be repaid by the Province." S. 445 amended.

(2.) The said section is further amended by adding thereto the following words:

"And the Corporation of any county and city or town separated are hereby declared to have respectively insurable interests in the Court House and gaol of the county and the furniture Insurable interests of Corporations in certain cases.

furniture thereof in the proportions in which they shall for the time being be liable to contribute towards the erection, building, repairing, and maintaining the same, and towards providing necessary accommodation and furniture for the said Gaol and Courts of Justice, and for all officers connected with such courts, and any such corporation may insure its said interest accordingly."

Sub-s. 14 of s.
454 amended.

18. Sub-section fourteen of section four hundred and fifty-four of the said Act is hereby amended by introducing the words "with or without hard labour," after the words "six months," in the tenth line of the said section.

S. 460
amended.

19. Section four hundred and sixty of the said Act, is hereby amended by adding the word "Township," immediately after the word "Town" in the first line of the said section.

(2.) The said section is further amended by adding the following as sub-section (a) immediately after said section:

Aid to
Harbours,
Wharves, &c.

(a.) For granting aid by way of bonus for or towards the construction of Harbours, Wharves, Docks, Slips, and necessary Beacons, on any River, Lake, or navigable water, passing in, through or forming any part of the boundary of a County whether such bonus be given by such County or by a City, Town, Township, or incorporated Village situate therein, and to pay such bonus either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said Municipality may deem expedient, but no such By-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of By-laws for creating debts; and any Municipality granting such aid may take and receive of and from such person or body corporate, receiving any such aid, security for the compliance with the terms and conditions upon which such aid is given.

S. 466 amend-
ed.

20. Section four hundred and sixty-six of the said Act is hereby amended by adding thereto the following as sub-section fourteen:—

Regulating
sale of meat.

14. And also for granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcase, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for imposing a license fee not exceeding fifty dollars in cities and twenty-five dollars in towns and incorporated villages to be paid for such license, and for enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than by the quarter carcase, unless by a person holding a valid license and in a place authorized by the council, but nothing herein contained shall affect the powers conferred in sub-section six of the said section.

21. No by-law passed by the Council of any city, town or incorporated village, under the provisions of sections five hundred and twenty-nine, five hundred and thirty, five hundred and fifty-one or five hundred and fifty-two of the Municipal Act, shall require to be advertised or published by the said Council in any newspaper, but a written or printed or partly written and partly printed notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners, lessees and occupants or the agents of the owners, lessees and occupants, of each parcel of real estate included in such by-laws and assessment, and each such notice shall contain a general description of the property in respect of which the same is given, the nature of the proposed improvements, work or service, the estimated total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the clerk, or the assessment commissioner, or other officer to be appointed by the council for the purpose, and be mailed to the owner's address, at least fifteen days before the day appointed for the sittings of the said court, and ten days' notice shall also be given by publication in some newspaper, having a general circulation, of the time and place of the meeting of the said court, which notice shall specify generally what such assessment is to be for and the total amount to be assessed.

By-laws need not be advertised, but notice of assessment shall be served.

22. The fifty-third sub-section of section four hundred and sixty-six of the said Act is hereby repealed and the following is substituted therefor:

Sub-s. 53 of s. 466 repealed.

53. For licensing, regulating, and governing transient traders and other persons who occupy premises in the city, or town, incorporated village, or township, for temporary periods, and whose names have not been duly entered on the Assessment Roll in respect of income or personal property for the then current year; and who may offer goods or merchandise of any description for sale by auction conducted by themselves or by a licensed auctioneer or otherwise; but no such by-law shall affect, apply to, or restrict the sale of the stock of an Insolvent Estate which is being sold or disposed of within the County in which the Insolvent carried on business therewith at the time of the issue of a writ of attachment or of the execution of an assignment.

Regulating transient traders.

23. In all cases where, under the provisions of "The Municipal Act" as amended, or of this Act, or of any other Act, the Council of any County, City, Town, incorporated Village, or Township, or the Board of Commissioners of Police, in any City, or either of them, is or are authorized to pass By-laws for licensing any trade, calling, business or profession, or the person carrying on or engaged in any such trade, calling, business, or profession, the said Council and the said Board of Commissioners of Police, respectively, shall have the power, and they are respectively

Traders' license fees.

respectively hereby authorized to pass By-laws to fix the sum to be paid for any such license for exercising any such trade, calling, business, or profession in the Municipality, and enforcing the payment of such license fee, and determining the time the license shall be in force.

By-laws determining number of police and their pay.

24. Notwithstanding anything in the said Municipal Act contained, in cities containing a population of not more than fifteen thousand persons the councils may, by by-law, fix and determine the number of men who shall constitute the Police Force of such cities; and may also, by by-law, fix and determine the remuneration for and to the respective members of the force, and the Board of Police Commissioners shall observe the terms of any such by-law. The population may be ascertained by reference to the latest enumeration made by the assessors, or to the general census returns, whichever shall be latest in point of time.

Special rates a charge on property.

25. Every special assessment made and every special rate imposed and levied under any of the provisions of the said "Municipal Act," and all sewer rents and charges for work or services done by the Corporation, on default of the owners of real estate, under the provisions of any valid By-law of the Council of the said Corporation, shall form a lien and charge upon the real estate upon, or in respect, of which the same shall have been assessed and rated or charged, and shall be collected in the same manner, and with the like remedies, as ordinary taxes upon real estate are collectable, under the provisions of the Assessment Act.

S. 529, sub-s. 2 amended.

26. Sub-section two of section five hundred and twenty-nine of the said Act is hereby amended by adding the words "including the costs of arbitration, if any," after the word "amount" in the fifth line of said sub-section.

S. 531 repealed and new section substituted.

27. Section five hundred and thirty-one of the said Act is hereby repealed, and the following is substituted therefor, viz. :—

Publication of drainage by-laws.

531. Before the final passing of the by-law it shall be published once, or oftener, in every week for four weeks in such newspaper published either within the Municipality or in the County Town, or in a public newspaper published in an adjoining local Municipality, as the Council may by resolution designate, together with a notice that any one intending to apply to have such by-law or any part thereof quashed, must, within ten days after the final passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the Municipality, of his intention to make application for that purpose to one of Her Majesty's Superior Courts of Law, at Toronto, during the term next ensuing the final passing of the by-law.

28. Section five hundred and forty-one of the said Act is hereby amended by adding the words "nor any rate-payer or person or persons interested in the construction of any such deepening or drainage," immediately after the word "specification" in the fifth line of the said section. S. 541 amended.

29. Any township having a town or incorporated village within or partly within its original boundaries, may pass by-laws, for acquiring lands within such town or village for the purpose of erecting thereon a Town Hall, or for renting or acquiring a hall, within such town or village for the purpose of a Town Hall. Township may acquire land for a Town Hall in a Town or Village.

30. Any township owning, renting, or otherwise acquiring such Town Hall in any such village may hold any meeting, nomination, or election, or post any notice, assessment roll, or voters' list or do any other act required by law to be held, posted or done in the townships at such Town Hall, and any meeting of any Mutual Insurance Company, or upon the formation thereof, which shall by any statute be held in the municipality, may lawfully be held in such Hall. Township Meetings may be held and notices posted at such Hall.

31. The Council of any County or other municipality in which a flagrant crime is believed to have been committed, may offer and pay a reward for the discovery, apprehension or conviction of the criminal, or of any person who is suspected to be the criminal. Rewards by municipalities for apprehension of criminals.

32. In the Provisional Judicial District of Algoma, and the Territorial Districts of Muskoka, Parry Sound and Nipissing, no damages shall be recovered in respect of injuries committed upon any land by horses, cattle, sheep or swine, straying upon such land, unless the animal so straying was running at large contrary to a municipal by-law in that behalf; and where no by-law, prohibiting or regulating the running at large of the class of animals to which the animal trespassing belongs, is in force in the municipality, township, or place, then no such damages shall be recovered unless such animal has broken through or jumped over a fence then being in reasonably good order and of the height of four and one-half feet; but this section shall not apply to unruly or breachy animals. Damages by animals trespassing.

33. Appeals in respect to the equalization of Assessments shall hereafter be to the County Judge jointly with the Sheriff and such third person as the County Council may appoint, and they shall constitute a Court for that purpose. The appointment of such third person shall be made at the first meeting of the Council in the year, but he shall not be a member of the County Council, or of any other Municipal Council, or an officer of any Municipal Corporation. Equalization of assessments.

(2.) Where any local municipality is dissatisfied with the action of a County Council in increasing or decreasing, or refusing to Mode of appeal.

to increase or decrease, the valuation of any municipality, the municipality so dissatisfied may appeal from the decision of the Council at any time within ten days after such decision. Such appeal shall be by a notice in writing under the seal of the Municipality, to be either delivered to each member of the Court, and the Clerk of the County Court personally, or left at his residence, office or place of business.

Time and manner of hearing appeal.

(3.) The said Court shall forthwith appoint a day for hearing the appeal, such day not being later than ten days from the receipt of such notices of appeal, and may at such time proceed to hear and determine the matter of appeal, either with or without the evidence of witnesses, or with such evidence as they may decide upon having, and may examine witnesses under oath or otherwise, and may adjourn the hearing from time to time; but (except as provided in sections forty-four and forty-six of the Assessment Act, chapter one hundred and eighty of the Revised Statutes) the hearing shall not be adjourned or judgment deferred beyond the first day of August next after the last served notice of the appeal; and the Court shall equalize the whole Assessment of the County.

Quorum.

(5.) Any two members of such Court shall constitute a quorum, and such Court may proceed and adjudicate upon such appeal, notwithstanding either the office of Sheriff, or of County Judge is vacant, or the County Council refuses or neglects to appoint a member of such Court.

Sub-s. 2 of s. 68, R. S. O. c. 180 repealed.

(6.) Sub-section two of section sixty-eight of the Assessment Act, chapter one hundred and eighty of the Revised Statutes, is hereby repealed.

Persons interested in any Company not to vote on by-law aiding same.

34. No property owner or lessee interested in, or holding shares or stock in, any Company shall be qualified to vote on a by-law for the purpose of granting a bonus to the Company in which he is so interested as aforesaid.

Provisions for enforcing registration of lands in certain cases.

35. Where land in a Township has been or shall hereafter be sold under surveys or sub-divisions made in a manner which so differs from that in which such land was surveyed or granted by the Crown, that the parcel sold cannot be easily identified, and the map or plan has not been registered under the Acts in that behalf, the Council of the Township may at the written request of the Inspector of Registries, or of any person interested, cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincorporated village; and the expenses attending the getting up and filing of such map or plan shall be paid by a special rate, to be levied by assessment on the lands comprised in said map or plan, as described in a by-law to be passed by the Council for the purpose of levying such rate; and the municipality shall have the like remedies for the recovery of such expenses as it has for compelling payment of taxes.

Expenses of registration, &c.

CHAPTER 32.

An Act to amend the Assessment Act.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section four of section twelve, of "The Assessment Act," is hereby amended by striking out the words "Column 2—name of taxable party," where the same occur in the third line of said sub-section, and inserting instead thereof these words "Column 2—Name and Post Office address of taxable party."

R.S.O. c. 180,
s. 12, sub-s. 4
amended.

2. Section twelve of "The Assessment Act" is hereby further amended, by adding thereto as sub-section five of said section twelve, the following sub-section:—

S. 12 further
amended.

(5.) In any case where the trustees of any Roman Catholic Separate School avail themselves of the provisions contained in the seventy-eighth section of the Public Schools Act, for the purpose (amongst others) of ascertaining through the assessor of the Municipality the persons who are the supporters of Separate Schools in such Municipality, the assessor shall accept the statement of, or on behalf of any ratepayer that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the Assessment Roll for Separate School supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column.

Assessor to
enter persons
as Separate
School sup-
porter, when.

3. Section nineteen of "The Assessment Act" is hereby amended by adding thereto the words following:—

S. 19 amended.

"And if any member of a partnership so requests, his share or interest of, or in the real or personal property of, or belonging to the partnership, shall for all purposes and in all respects be assessed as if the same were the separate and individual property of such member, and formed no part of said partnership property."

Assessment of
partnership
property.

CHAPTER 33.

An Act to Protect Plum and Cherry Trees.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Black Knot to
be destroyed.

Penalty.

Proviso.

Enforcing
penalties and
application of
fines.

Appointment
of Inspector.

1. It shall be the duty of every owner of land, or the occupant thereof if the owner is not resident within the local municipality wherein the same is situate, to cut out, and immediately burn up, all the black-knot found on plum or cherry trees growing thereon, so often in each and every year as it shall appear on such trees; and if any such owner or occupant shall, after two weeks' notice, in writing, by any overseer of highways, or by any officer or inspector appointed or to be appointed under the third section of this Act, knowingly suffer any black-knot to remain thereon, he shall, upon conviction, be liable to a fine of not less than one dollar, nor more than five dollars for every such offence: provided that nothing in this section shall apply to trees growing on uncleared or wood lands.

2. Every offence against the provisions of this Act shall be punished, and the penalty hereby enforced for each offence shall be recovered and levied on conviction before any Justice of the Peace; and all fines imposed shall be paid into the treasury of the municipality in which the offence takes place.

3. Any municipal corporation in Ontario may appoint an officer or inspector for the purpose of carrying out the provisions of this Act, and if no such officer or inspector be appointed, it shall be the duty of the overseer of highways, upon request of any person interested, to give the notice mentioned in section one, unless he be satisfied upon inspection that the disease does not exist in the place complained of.

CHAPTER 34.

An Act Respecting Public, Separate and High Schools.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Model Schools
for teachers.

1. The Public School Board of any city may constitute
one

one or more of the Public Schools of such City to be a Model School for the preliminary training of Public School Teachers therein, subject to the Regulations of the Education Department.

2. The right of any person to vote in any municipality, at any election of Public School Trustees or upon any school question, is extended so as to comprise in addition to the persons now entitled by law, every person named upon "The Voters' List" of such municipality, and whether entitled to vote at municipal elections or elections to the Legislative Assembly, when such person has been assessed for, and has paid a rate imposed upon him for Public School purposes within the last twelve months in the ward, town, village or school section in which he is proposing to vote at such election or meeting.

Who may vote at election of School Trustees.

3. In case an objection is made to the right of any person to vote at any such election in any municipality or upon any other subject connected with Public School purposes therein, the returning officer, chairman or other officer presiding at the election or meeting shall require the person whose right of voting is objected to, to make the following declaration or affirmation:

Voter to make declaration if required.

"I, A. B., do declare and affirm that I am the person named in the "certified copy of the Voters' List now shown to me [or have been rated "on the last revised assessment roll of this municipality as a freeholder (or "householder or tenant or in respect of income, as the case may be),] and "that I am of the full age of twenty-one years, and that I have the right "by law to vote at this election (or meeting as the case may be)."

Whereupon the person making such declaration shall be permitted to vote.

4. In cities and towns divided into wards, and in townships where Public School Boards exist, the clerk of the municipality shall furnish to the Public School Board within three days after request in writing "The Voters' List" for each ward of such municipality, annexing thereto a list of the names of persons being supporters of Separate Schools, and also a list of the names alphabetically arranged of all freeholders, householders or tenants, and persons entitled to vote in respect of income, rated upon the then last revised Assessment Roll, and not being already upon "The Voters' List."

In cities and towns divided into wards, clerk of municipality to furnish Voters' List to Public School Boards.

5. In towns not divided into wards and villages, the clerk of the municipality shall furnish to the Public School Board within three days after request in writing, "The Voters' List" for each polling sub-division in the case of such town or village, as provided by the last preceding section.

In towns not divided into wards, clerk to furnish Voters' List to Public School Trustees.

6. The Public School Board shall provide each polling place with the list aforesaid and also a poll book; and, at every election at which a poll is demanded, the returning officer

List and a poll-book to be provided for each polling-place.

Entries in poll book. officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name, with the residence of the voter, and in case of a poll demanded upon any Public School question, the name of each voter shall be similarly placed in separate columns, marked "for" or "against."

Provisions for elections of Trustees of Public School Corporations. **7.** The annual and other elections of the trustees of all Public School Corporations, except in Rural School Sections shall be conducted under and subject to the following provisions :

Nominations. **1.** A meeting of the electors for the nomination of candidates for the office of Public School Trustee shall take place at noon on the last Wednesday in the month of December annually, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the Public School Board, and in municipalities divided into wards, in each ward thereof, if the Board in its discretion thinks fit ;

Returning Officer. **2.** The Public School Board shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the Public School Board shall give at least six days' notice of such meeting ;

Proceedings at nomination. **3.** If at the said meeting, only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding shall, after the lapse of one hour, declare such candidates duly elected ; but if two or more candidates are proposed for any one office and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist as shall be determined by resolution of the said trustees ;

Hours of Polling. **4.** The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled ;

Public School Board to fix place for nomination and election, and name returning officer. **5.** The Public School Board shall before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who

who shall preside at the respective polling places, and forthwith give public notice thereof;

6. The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the Public School Board, with his solemn declaration thereto annexed, that the poll book has been correctly kept, and contains a true record of the votes given at the polling place for which he was returning officer ;

Duty of returning officer after close of election.

7. The Public School Board shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes, and shall at noon, on the day following the return of the poll books, put up in some conspicuous place in the Municipality, and at one or more of the school-houses therein, a statement shewing the number of votes for each candidate; and a majority in number of the Trustees remaining in office shall be a quorum for the foregoing purposes ;

Duty of Public School Board.

8. In case two or more candidates have an equal number of votes, the Member of the Board present who is assessed highest as a ratepayer on the last revised assessment roll, shall, at the time of declaring the result of the poll, give a vote for one or more of such candidates, so as to decide the election ;

Casting vote.

9. The Judge of the County Court shall, within twenty days after the election of any trustee of a Public School Board in any municipality within his county, receive and investigate any complaint respecting the validity or mode of conducting the election, and in a summary manner shall hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him, as he may deem expedient, and may confirm the said election, or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed, and, in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall appoint the time and place of holding such election ;

Judge of County Court to receive and investigate complaints.

10. In case of any vacancy in the office of Trustee of any Public School Board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled ;

Vacancy in office of Trustee.

Proceedings at
new election.

11. The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the Public School Board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination.

Inconsistent
provisions
repealed.

8. The special provisions relating to the City of Toronto and all other provisions inconsistent with the foregoing, contained in the Public Schools Act, are hereby repealed.

Election of
trustees and
annual meet-
ings in Rural
School
Sections.

9. All the provisions of the Public Schools Act respecting the election of Trustees, and the annual meetings in Rural School sections shall continue to apply to Rural School Corporations, except that the annual meeting and the nomination and election of Trustees thereat, shall be held on the last Wednesday in the month of December in each year, or if such Wednesday be a holiday, then on the day next following.

R. S. O., c.
204, s. 33
amended.

10. The thirty-third section of the Public Schools Act is hereby amended so as to read as follows: "In municipalities composed of more than one township; but without county organization, it shall be optional with the Municipal Council thereof to form portions of the townships comprising the municipality into school sections, or to establish a Board of Public School Trustees, two members being elected for each ward, and if not divided into wards, two for each township thereof, and such Board shall possess all the powers and duties of Township Boards, and shall also upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others.

Levying
School rates

11. The powers of Trustees of Rural School sections in organized Townships, to levy or collect upon their own authority Public School rates, shall cease and be determined on the passing of this Act, except in so far as any proceedings are now pending, which may be prosecuted until all rates thereunder are collected, and it shall henceforth be the duty of the Public School Trustees to obtain all moneys for Public School purposes, which may be levied by rate on taxable property, by the means and under the provisions contained in the seventy-eighth and seventy-ninth sections of the Public Schools Act.

R. S. O.,
c. 204, s. 80,
amended.

12. The eightieth section of the Public Schools Act is hereby amended, by adding to sub-section seven the words "or according to the average attendance of pupils at each school during the year then last past."

R. S. O.
c. 204, s. 160
amended.

13. The one hundred and sixtieth section of the Public Schools Act is hereby amended by striking out the fourth sub-section of the said Act, and substituting in lieu thereof the following:—

following:—"from and after the eighteenth day of August next, the fee to be imposed upon any non-resident pupils shall not exceed the sum of twenty-five cents for each pupil for every calendar month."

Fees of non-resident pupils.

14. The one hundred and tenth section of the Public Schools Act is hereby amended by adding to sub-section one, the following, "or, when directed by the County Inspector, to pay out of the school assessment of the county the amount of the Inspector's lawful order to any Public School teacher, assistant teacher or monitor," and by adding thereto as sub-section six, the following:

R. S. O.,
c. 204, s. 110,
amended.

"6. To furnish the Minister with such information as he may require respecting moneys raised or expended in the Municipality for Public or High School purposes."

15. In addition to the powers conferred upon arbitrators under the Public Schools Act in reference to the compulsory taking of land for school sites, they shall have the power to settle all claims or rights of incumbancers, lessees, tenants, or other persons, as well as those of the owner in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights.

Additional
powers conferred upon
arbitrators appointed
under R. S.
O., c. 204.

16. In the case of a union school section composed of parts of two or more municipalities the union school section shall be held for the purposes of inspection, taxation, the borrowing of moneys, and for all school purposes as within the township, town, or village in which the school-house of the union is situate.

Municipality
in which
union section
to be considered
as situated.

17. A union school section may be altered so that a part of the same may be withdrawn by the council of the municipality in its discretion in which such part is situate without withdrawing the whole portion of such municipality forming the union in case such alteration is petitioned for by a majority of the assessed freeholders and householders of such part: and the one hundred and fortieth section of the Public Schools Act shall be construed to apply also to the case of an alteration of the boundaries of a union school section where a part only of the portion in either municipality is withdrawn by the council thereof.

Alteration of
union section.

18. The one hundred and thirty-fifth section of the Public Schools Act shall become of none effect, and be repealed on and after the first day of January next, and the provisions contained in the one hundred and thirty-seventh section and the several sub-sections thereof, shall thenceforth apply to and govern all union sections.

R. S. O.,
c. 204, s. 135,
repealed on
first of Jan-
uary.

Powers of
Public School
Boards of
Townships.

19. The Public School Board of any township may exercise and enjoy all the rights and powers of Trustees of Rural School Sections, under the provisions of the Public Schools Act, as well as those of Public Schools in cities and towns, and in cases where the Public School Board was established before the second day of March, one thousand eight hundred and seventy-seven, the period of five years after which a by-law for the repeal thereof may be submitted shall be taken to begin from the time when the Public School Board was originally established.

R. S. O.
c. 203, s. 5,
amended.

Duty of Min-
ister of Edu-
cation.

20. Section five of chapter two hundred and three of the Revised Statutes respecting the Education Department is hereby amended, by substituting for sub-section six the following, "It shall be the duty of the Minister to apportion annually on or before the first day of May all sums granted or provided by the Legislature for the support of Public and Separate Schools, and not otherwise appropriated by law in the several counties, townships, cities, towns, and incorporated villages, according to the ratio of population in each as compared with the whole population of Ontario, as shown by the last annual returns received from the clerks of the respective counties, cities and towns, separated from a county"—and by adding as sub-section nineteen *a* the following amongst other duties of the Minister of Education;

"19*a*. To authorize the delivery from the Depository of any prize or library books or maps or apparatus in payment of an amount equal to the cost, according to authorized catalogue prices of any prize or library books, or maps or apparatus purchased by any School Corporation from any publisher or person, in lieu of payment out of moneys to be appropriated by the Legislature for that purpose, when desired by such School Corporation, and also to authorize the delivery from the Depository at cost price to Normal School students, of stationery and text-books, maps, apparatus and library books, and to teachers' libraries, of works on Education for their use, also of library, prize and text-books, maps and apparatus to Public Institutions maintained or aided from the Consolidated Revenue."

Sub-s. added
to s. 112
of R. S. O., c.
204.

21. The following sub-section is hereby added to section one hundred and twelve of the Public Schools Act: "5. It shall also be the duty of every County Clerk to furnish the Minister before the first day of April in each year with a statement showing the population of each minor municipality within the county, according to the returns upon the Assessment Rolls for the previous year, of each such minor municipality."

Clerks to make
returns of pop-
ulation.

22. The clerk of every city and town separated from a county shall, before the first day of April in each year, make a return to the Minister of Education showing the population of such city or town, as shown by the Assessment Rolls for the previous year of such city or town.

23. The provisions contained in the fourth, fifth, sixth and seventh sections of this Act shall also apply to Separate School Corporations in cities, towns and villages, and the Trustees thereof; Separate School Corporation or Trustee being substituted for Public School Corporation or Trustee, Separate School supporter instead of person rated in respect of Public Schools, and Separate School supporter for Public School supporter where these expressions respectively occur in such provisions, and the clerk of the municipality shall, upon request, furnish to the Separate School Trustees, a list of persons being supporters of Separate Schools in each ward, or school district, as shown by the last revised Assessment Roll, or the notices or lists of Separate School supporters filed in his office.

Ss. 4, 5, 6
and 7 of this
Act to apply
to Separate
Schools.

2. The provisions contained in section nine of this Act, shall also apply to and govern the elections and annual meetings of Separate School Corporations in Townships and Rural sections.

24. The Trustees of any Separate School shall have full power as a body corporate to borrow money for school purposes, and to make valid mortgages and other instruments for the security and payment of such borrowed money, or of any moneys payable or to be paid for school sites, school buildings, or additions thereto, or the repairs thereof, upon the school-house property and premises, or any other real or personal property vested in them, or upon the Separate School rates, and each ratepayer who was a Separate School supporter at the time when any loan was effected on the security of said rates or property shall, while resident within the section or municipality within which such Separate School is situate, continue to be liable for the rate to be levied for the repayment of such loan ;

Borrowing
powers of
Trustees of
Separate
Schools.

2. The principal money representing any sum so borrowed, may in the mortgage or other instrument securing the repayment thereof, be made payable in annual or other instalments with or without interest, and the said trustees in addition to all other rates or moneys which they may now levy in any one year, shall also have power and authority to levy and collect such further sum or sums as in each year may be requisite for paying all principal money and interest falling due in such year under the terms of such mortgage or other instrument aforesaid, and the said sums shall be levied and collected in each year in the same manner and form, and from the like persons and property by, from, upon or out of which other Separate School rates may now be levied and collected ;

Repayment,
provisions as
to.

3. When any supporter of a Separate School resides without the Municipality in which the school is situate he shall be entitled to vote in the ward or division in which the school-house nearest to his place of residence is situate, if within the distance of three miles in a direct line.

Separate
School Sup-
porter, where
to vote in
certain cases.

Non-residents may require school tax to be appropriated to a Separate School.

25. Any person, who, if resident in the Municipality would be entitled to be a supporter of any Separate School in such Municipality, in giving notice under section three of the Assessment Act, that he is the owner of unoccupied land in such Municipality, may also require that such land be assessed for Separate School purposes in such Municipality, if a Separate School exists therein, and the assessor shall thereupon enter such person in the assessment roll as a Separate School supporter, and the proper entries in that behalf shall be made in the prescribed column for Separate School rates, and such land shall be assessed accordingly for Separate School rates, and not for Public School Purposes.

Certain provisions of s. 102 of R. S. O. c. 204 extended to Separate Schools.

26. The provisions of sub-sections sixteen (a) (b) (c) and (d) of section one hundred and two of the Public Schools Act, shall also apply to Separate Schools, and the rights conferred thereby shall be possessed by the Trustees thereof and the like powers and duties therein mentioned shall be exercised in respect of Separate Schools and Separate School rates, but this shall not be held to affect other rights of Separate School Trustees in that behalf.

Payment to Separate School trustees.

2. So much of the County rate levied yearly upon the several Townships of the County for the payment of teachers' salaries which shall have been levied upon and collected from any persons being supporters of Separate Schools in any Township shall be paid over by the County Treasurer to the trustees of the Separate Schools of which such persons are supporters as aforesaid.

Assessor to enter persons as Separate School Supporters, when.

3. In any case where the trustees of any Roman Catholic Separate School avail themselves of the provisions contained in the seventy-eighth section of the Public Schools Act, for the purpose (amongst others) of ascertaining through the assessor of the Municipality the persons who are the supporters of Separate Schools in such Municipality, the assessor shall accept the statement of, or made on behalf of, any ratepayer that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the Assessment Roll for Separate School supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column.

Model Schools for teachers of Separate Schools.

27. The Education Department may authorize a Separate School in any County to be constituted a Model School for the training of Teachers for Separate Schools, subject to the Regulations of the Department, and where in any County such Model School has been established or from the special circumstances of the Separate Schools therein, the Minister of Education should deem it expedient, he may recommend for appointment by the Lieutenant-Governor in Council some one competent person possessing qualifications prescribed by the Education

tion Department to be a member of the County Board of Examiners of such County in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of said Board.

28. The thirtieth section of the Separate Schools Act is amended by inserting after the word "teachers," secondly occurring, in the fourth line thereof the words "either in the Province of Ontario, or, at the time of the passing of the British North America Act, in the Province of Quebec."

S. 30 of
Separate
Schools Act
Amended.

29. In any case where a High School Board or Public School Corporation may, by law, require the Municipal Council to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or other school accommodation, or for the purchase or erection of a teacher's residence, such Municipal Council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at the meeting of the Council for considering any by-law in that behalf.

Municipal
Council may
refuse to raise
money for
purchase of
school site, &c.

2. Where the Municipal Council, by a two-thirds vote, refuses to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the School Board, to the vote of the electors of the Municipality in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the Municipal Electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum.

School Board
may require
question to be
submitted to
electors.

3. In the case of Rural School Sections, the Trustees shall not borrow or levy or collect any rate for any sum of money for the purposes hereinbefore mentioned, unless the proposal for the same has been first submitted to and approved of by the duly qualified school electors of the section.

Trustees in
Rural Sections
must submit
rate to
electors.

4. Any Debenture for any loan of money for School purposes may be for such term of years not exceeding twenty as the Municipal Council may think fit and the Municipal Council may also in its discretion make the principal of such debt repayable by annual or other instalments in the manner provided by the three hundred and thirty-second section of the Municipal Act.

Debentures.

30. The provisions contained in the twenty-ninth section and the several sub-sections thereof (except sub-section four) shall not apply to any case where the Trustees of any High or Public School Corporation before the passing of this Act shall have resolved upon incurring any expenditure for any of the purposes in the twenty-ninth section mentioned, or where they have entered upon or incurred, or have become liable for any

Application o
s. 29.

any such expenditure, and in any such case the said Trustees shall retain, possess and exercise all the same powers and rights as if the said twenty-ninth section and the sub-sections thereof (except sub-section four) had not been enacted.

Board of
Examiners for
admission to
High Schools.

31. In Cities and Towns the Inspector of Public Schools, and the head master of the High School or Collegiate Institute shall together constitute the Board of Examiners for the admission of pupils to the High School or Collegiate Institute, and the expenses of the examination shall hereafter be borne equally by the High and Public School Boards after deducting any fees imposed by the Education Department therefor, and sub-sections twenty-two and twenty-three of section one hundred and four of the Public Schools Act, are hereby repealed, so far as inconsistent with the provisions of this section.

S. 30 of R.
S. O., c. 205
amended.

32. The thirtieth section of the High Schools Act is hereby amended so as to read as follows:—

Payment by
County of
amount equal
to Legislative
Grant.

30. In the case of every High School or Collegiate Institute in a Town not withdrawn from the County, or in an incorporated Village or Township, an amount equal to the amount paid by the Government shall be paid by the Municipal Council of the County in which such High School or Collegiate Institute is situated, upon the application of the High School Board; and such other sums as may be required for the maintenance of the said High School or Collegiate Institute to the amount at least of the grant received from the Legislative appropriation, and also for school accommodation, shall be raised by the Council of the Municipality in which the High School or Collegiate Institute is situate, upon the application of the High School Board; and in cases where two or more Municipalities, or portions thereof, within the County, have heretofore been formed into and continue to constitute one High School District, or in cases where two or more such minor Municipalities, or portions thereof within the same County, hereafter agree to form and constitute themselves into a High School District, then such other sums as may be required for the maintenance of the said High School to the amount at least of the grant from the Legislative appropriation and also for school accommodation of the said High School, shall be provided by such High School District upon the application of the High School Board, and such sums shall be raised in the manner provided in the next following section of this Act, but nothing in this section shall be construed to affect any existing suit, or to prevent the County Council from discontinuing any High School District heretofore formed by it, and any by-law of the Council of a minor Municipality for uniting any portion of it to another Municipality within the same County for High School purposes shall be deemed the agreement of such portion, and shall be passed by such council if petitioned for by two-thirds in
number

number of all the tax payers of such portion. 37 V. c. 27, s. 45; 40 V. c. 16, s. 18 (6)."

33. For section 14 of the High School Act read as follows:— S. 14 of High School Act amended.

14. Seven members of such Board shall form a quorum, and such Board shall have, possess, discharge and exercise in respect of Public School matters, all the rights, powers and duties of Public Schools Boards, and in respect of High School matters all the rights, powers and duties of High School Boards.

34. In any case of a Public, Separate or High School Board where there shall be a tie amongst the members present at any meeting thereof, the Chairman shall, in addition to his own vote, possess a second or casting vote. Casting vote.

CHAPTER 35.

An Act to amend the Act respecting the income and property of the University of Toronto, University College, and Upper Canada College.

[Assented to 11th March, 1879.]

WHEREAS it is expedient to provide that all appropriations Preamble.
from the Permanent Fund for the support of the University of Toronto, University College, and Upper Canada College, shall be subject to the approval of the Legislative Assembly of the Province of Ontario.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The eighteenth section of chapter two hundred and eleven R.S.O. c. 211 s. 18 amended.
of the Revised Statutes of Ontario, is hereby amended by adding thereto the following words:—

"Provided, however, that every order in council directing payment from the said Permanent Fund, under this section, shall, as soon as conveniently may be after the making of the same, be laid before the Legislative Assembly of the Province of Ontario for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly."

CHAPTER 36.

An Act to authorize certain variations in deeds to Trustees for Religious Institutions.

[Assented to 11th March, 1879.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Number trustees may be varied.

1. Any congregation or society of Christians entitled to the benefit of any lands held under the provisions of the Statutes respecting the Property of Religious Institutions or otherwise may from time to time, by resolution passed by a two-thirds vote of the persons entitled to vote in respect of the appointment of trustees, increase or decrease the number of trustees by the deed or otherwise to be appointed for the purpose of holding such lands; or may in like manner fix the number of trustees in case the deed makes no provision as to their number.

Notice of meeting required.

2. No such resolution shall be passed unless the said meeting has been duly notified in the same manner as a meeting for the election of trustees for such lands is required to be notified, or unless notice has been given at the time of such notification that a proposal for increasing (or decreasing or determining, as the case may be) the number of the trustees, will be considered at such meeting.

Time when variation to take effect.

3. In case the resolution passed provides for the appointment of more trustees than are authorized by the deed, or more than there are in fact if the number is not limited by the deed, the same shall take effect forthwith; and the additional trustees to be appointed may be elected at the meeting at which the resolution is passed or at a subsequent meeting: If the resolution provides for a smaller number of trustees than the deed provides for, then such resolution shall not take effect until vacancies occur, by death or otherwise, reducing the number of trustees to the number provided for by such resolution; and no other trustees shall be appointed under the authority of this Act until the number of trustees has been reduced as aforesaid below the number authorized by the resolution.

Record of proceedings.

4. A record of the proceedings of such meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of such congregation or society, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and a copy of such record, certified to be a true copy by the chairman

Copy to be registered.

man or secretary, on oath (or affirmation) before a Justice of the Peace, may be recorded in the Registry Office of the County or other Registration Division in which the property is situate.

5. A copy of such proceedings taken from the minute book or other official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the Registrar of the Registration Division wherein the same has been registered according to the preceding section, shall be *prima facie* evidence of the contents thereof.

Certified copy
prima facie
evidence.

6. The provisions hereinbefore contained in this Act shall not be construed so as in any way to repeal, alter, affect, or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province.

Special Acts
not affected by
preceding pro-
visions.

7. The authority conferred by the said Statutes to mortgage land as security for a debt which has heretofore been or shall be hereafter contracted for the building, repairing, extending or improving of a church, meeting house, chapel, book store, printing office or other building on land held for the benefit of any religious society, is extended to any land so held, although the church, or other building, in respect of which the debt is contracted, is not erected on the said land.

Authority to
mortgage.

CHAPTER 37.

An Act respecting the application of the Religious Institutions Act to the Church of England.

[Assented to 11th March, 1879.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The Act passed in the forty-first year of Her Majesty's reign, intituled "An Act to extend the Religious Institutions Act to the Church of England," is hereby amended by adding as sub-sections two and three to section one of the said Act the following:

41 V. c. 25
amended.

2. The Parson or other Incumbent of the church for the time being and the Churchwardens thereof, shall, for the purpose of this Act and of the said Revised Statute, be deemed and taken to be trustees within the meaning of the said Revised

Parson, in-
cumbent and
churchwar-
dens to be
trustees with-
in the meaning
of Act.

vised Statute, by whom the like rights and powers as trustees under the said Statute may be exercised, subject however to the provisions contained in the second section of the said Act hereby amended.

Bishop, etc.,
to be trustees
under 3 V. c.
74 s. 16.

3. In cases within the sixteenth section of the Act passed in the third year of Her Majesty's reign, chapter seventy-four and intituled "An Act to make provisions for the management of the Temporalities of the United Church of England and Ireland in this Province, &c," the Bishop, or Parson, Rector or Incumbent, or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed and taken to be a trustee, by whom the like rights and powers of trustees, under the said Revised Statute respecting Religious Institutions, may be exercised equally as in the case of such trustees, subject, however, to the provisions contained in the second section of the said Act hereby amended.

CHAPTER 38.

An Act Respecting the Andrew Mercer Ontario Reformatory for Females.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Interpreta-
tion.

1. The word "County," wherever it occurs in this Act, shall include a Union of Counties for judicial purposes, the District of Algoma, the territorial District of Muskoka, the temporary judicial District of Nipissing, and any other judicial or territorial Division or District which may be formed out of any portion of the unorganized territory in this Province.

Inspector to
report comple-
tion of Re-
formatory.

2. As soon as the Andrew Mercer Ontario Reformatory for Females is constructed and completed, the Inspector of Prisons and Public Charities shall report the same to the Lieutenant-Governor, whereupon the Lieutenant-Governor may, by proclamation, declare the same to be open for the reception, confinement and employment, of such female offenders as are hereinafter mentioned.

Appointment
of certain
officers.

3. The Lieutenant-Governor may from time to time appoint for the said Reformatory, a Female Superintendent, an Accountant, a Surgeon, a School Mistress, and such other officers and servants as may be necessary, to hold office respectively during pleasure.

4. The Lieutenant-Governor may also appoint an officer or officers, who shall be employed for the purpose of conveying prisoners from any gaol or other place in which they may be in custody, to the said Reformatory, or from the said Reformatory to any other place to which they may be lawfully removed, and in the performance of such other duties as may be assigned to such officer or officers by the Inspector of Prisons and Public Charities.

Appointment of other officers.

5. The Inspector of Prisons and Public Charities shall, by virtue of his office, be the Inspector of the said Reformatory.

Inspector.

6. The said Inspector shall have power, and it shall be his duty, to make rules and regulations for the management, discipline and police of the said Reformatory, and for fixing and prescribing the duties and conduct of the Superintendent and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment, and reward of persons confined therein, and to annul, alter, and amend the same from time to time: but no such rule or regulation shall have any effect until and unless it is first approved of by the Lieutenant-Governor in Council.

Inspector to make rules, &c.

7. In order to encourage good behaviour and industry, it shall be lawful for the Inspector to make rules so that a correct record of the conduct of every inmate of such prison may be made, with a view to permit each offender to earn a remission of a portion of the term for which she is sentenced to be confined.

Encouragement of good behaviour.

8. The Inspector shall have power summarily to suspend any of the officers or servants of the said Reformatory for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the Inspector may, until such decision has been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of the Reformatory; and it shall be the duty of the said Inspector to recommend the removal of any of the above-named officers or servants whom he finds incapable, inefficient, or negligent in the execution of his duty, or whose presence in the Reformatory he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension.

Powers of Inspector over officers.

9. The Inspector may impose a fine, payable in money, upon any officer or servant of such Reformatory for any act of negligence, carelessness, or insubordination committed by such officer or servant, of reasonable amount, not exceeding one month's pay of such officer or servant, as the Inspector may think fit.

Power of Inspector to impose fines.

Inspection of
Reformatory
by Inspector.

10. The Inspector shall have power at all times to enter into such Reformatory, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about such Reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of such Reformatory, or any matter affecting the interests of the institution; and may by the same or like order compel the production of books, papers, and writings before him; and any person who neglects or refuses to appear at the time and place specified in such order, having been duly served with a copy thereof, or refuses to give evidence, or to produce the books, papers, or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the Inspector, in that behalf, and imprisoned in the common gaol of the locality, as for contempt of court, for a period not exceeding fourteen days.

Audit by
Inspector.

11. It shall also be the duty of the Inspector to audit the accounts of the Accountant of such Reformatory; to inquire into all money transactions when requisite; to demand and obtain a statement of all cash transactions of such Prison every month; and to administer to the Accountant an oath or affirmation to the effect following, viz:

Oath of
Accountant.

“I, Accountant
of the Andrew Mercer Ontario Reformatory for Females, make oath (*or affirm*) and say, that the foregoing statement of revenue and expenditure of the said Reformatory for the month of _____, 18____, is true and correct.”

Transfer from
Gaol to
Reformatory.

12. All females from time to time confined in any of the common gaols of the Province, under sentence of imprisonment for any offence against any Act of the Legislature of the Province, may by direction of the Provincial Secretary, be transferred from such common gaols respectively to the said Reformatory, to be imprisoned for the unexpired portion of the term of imprisonment to which any such female was originally sentenced or committed to such common gaols respectively; and such females shall thereupon be imprisoned in the Reformatory aforesaid, for the residue of the said respective terms, and shall be subject to all the rules and regulations of the Reformatory.

Convicts may
be sentenced to
Reformatory.

13. Every Court before which any female is convicted of an offence against any Act of the Legislature of this Province, punishable by imprisonment in the common gaol, may sentence such female to imprisonment in the said Reformatory instead of the common gaol of the county where the offence was committed or was tried; but this section shall not authorize

rize the imposition of such sentence by any Justice of the Peace, or Police or Stipendiary Magistrate.

14. The Lieutenant-Governor may from time to time, by warrant signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in Council in that behalf, direct the removal from the said Reformatory back to the common gaol, of any person under sentence of imprisonment for an offence against any Act of the Legislature of this Province.

Transfer from
Reformatory
to Gaol.

15. The Superintendent of the said Reformatory, or the keeper of any common gaol, having the custody of any offender ordered to be removed, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, the said offender, together with a copy, attested by the said Superintendent or Gaoler, of the sentence and date of conviction of such offender, as given him on reception of the offender into his custody.

Superinten-
dent or Gaoler
to deliver up
prisoners.

16. Any officer appointed under the fourth section, or other officer or person by his direction, or by direction of the Court or other lawful authority, may convey to the Reformatory any convict sentenced or liable to be imprisoned therein, and deliver her to the Superintendent or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the Court before which the offender was tried, and certified by a Judge or the Clerk or acting Clerk of such Court.

Copy of sen-
tence sufficient
warrant.

17. The Superintendent shall receive into the Reformatory every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations, and discipline thereof, until the time to which she has been sentenced shall be completed, or until she is otherwise discharged in due course of law.

Superinten-
dent to receive
and detain
prisoners.

18. The officer or other person employed by competent authority to convey any such offender to the Reformatory or back to a common gaol, as by law provided, may secure and convey her through any County or District through which he may have to pass; and until such offender shall have been delivered to the Superintendent of such Reformatory, or the keeper of such common gaol, the said officer or other person, shall have in every part of this Province through which it may be necessary to convey such offender, the same power and authority over and with regard to such offender, and to command the assistance of any person to prevent her escape, and in recapturing her in case of an escape, as the Sheriff of the County in which she was convicted would himself have in conveying her from one part to another of that County.

Powers of offi-
cer in charge
of prisoner.

19. The said officer or other person, shall give a receipt to the Officer to give and take re-

ceipt for prisoner.

the said Superintendent or Gaoler for the said offender, and shall thereupon, with all convenient speed, convey and deliver up such offender with the said attested copy into the custody of the Superintendent of the Reformatory or Gaoler of the Gaol mentioned in the said warrant, who shall give a receipt in writing for every offender so received into his custody, to such officer or other person, as his discharge; and the offender shall be kept in custody in the said Reformatory or Gaol to which she has been so removed, until the termination of her sentence, or until her pardon, or release, or discharge by law, unless she is in the meantime again removed under competent authority.

Powers and duty of Superintendent.

20. The Superintendent of the said Female Reformatory shall reside within such prison, and shall be the chief executive officer of the same, under the direction of the Inspector, and as such shall have the entire execution, control, and management of all its affairs, subject to the rules, regulations, and written instructions from time to time duly made by the Inspector, and approved by the Lieutenant-Governor in Council, and she shall be held responsible for the faithful and efficient administration of the offices of every department of the institution.

Accountant to give security.

21. The Accountant of said Reformatory shall execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of the office, according to law, in the sum of four thousand dollars, with two sureties for two thousand dollars, each, which bond shall be filed in the office of the Provincial Secretary and Registrar.

Superintendent and officers to take oath of allegiance.

22. The Superintendent and every other officer or servant employed permanently in the Reformatory, shall severally take and subscribe, in a book to be kept for that purpose by the Accountant at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz:—

“I (A.B.), do promise and swear (*or* affirm) that I will faithfully, diligently, and justly serve and perform the office and duties of _____ in the Andrew Mercer Ontario Reformatory for Females to the best of my ability, and that I will carefully observe and carry out all the regulations of the said prison, so help me God.”

Which oath may be administered by the Inspector, or in the case of any other of the said officers, by the Superintendent.

Officers not to be interested in any contract.

23. No Inspector, Superintendent, or other officer or servant employed in the said Reformatory, shall either in his own name, or in the name of, or in connection with any other person, provide, furnish, or supply any materials, goods, or provisions for the use of the said Reformatory; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting one thousand dollars, with full costs of suit, to any person who sues for the same

same in any Court of competent jurisdiction in this Province, one-half thereof to belong to Her Majesty for the public services of this Province.

24. No superintendent, officer, or servant, except the surgeon, shall be allowed to carry on any trade or calling of profit or emolument in such Reformatory; nor shall any such superintendent, officer, or servant buy from or sell to any convict in the said prison anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity, or emolument from any prisoner or visitor, or any other person; or employ any convict in working for him.

Officers not to engage in trade, etc., in the Reformatory.

25. Except under the rules of the institution, no spirituous or fermented liquors shall, on any pretence whatever, be brought into the Reformatory for the use of any officer or person in the institution, or for the use of any convict confined therein; and any person giving any spirituous or fermented liquors, or tobacco, or snuff, or cigars, to any convict (except under the rules of the institution), or conveying the same to any such convict, shall forfeit and pay the sum of forty dollars to the Superintendent, to be by her recovered for the use of the Reformatory, in any Court of competent jurisdiction.

Liquors, etc. not to be taken into Reformatory.

26. The said Reformatory shall be furnished with all requisite means for enforcing the performance of hard labour by the inmates thereof.

Hard labour.

27. All the land enclosed and used in connection with the Reformatory building shall be held to be part of the said Andrew Mercer Ontario Reformatory for Females.

Reformatory what to include.

28. All dealings and transactions on account of the said Reformatory, and all contracts for goods, wares, or merchandize, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in such Reformatory, or for the hire, labour, or employment of any of the prisoners, shall be entered into and carried out in the corporate name of the said Inspector on behalf of Her Majesty.

Contracts, etc., how made.

29. Whenever the time of the sentence of any prisoner committed to the said Reformatory, for an offence against any Act of the Legislature of Ontario, expires on a Sunday, she shall be discharged on the previous Saturday, unless she desires to remain until the following Monday.

Prisoners not to be discharged on Sunday.

30. No prisoner shall be discharged from such Reformatory at the termination of her sentence, if then labouring under any cutaneous or infectious disease, or under any acute or dangerous illness, but she shall be permitted to remain in such prison until she recovers from such disease or illness, and any convict or prisoner remaining from any such cause in the Reformatory

Prisoners not to be discharged if labouring under certain diseases.

Reformatory, shall be under the same discipline and control as if her sentence were still unexpired.

Books of account to remain in Reformatory.

Official reports

31. All books of account, and other books, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other papers and documents of every kind, relating to the affairs of the said Reformatory, shall be considered the property of Her Majesty and shall remain in the Reformatory, and the Superintendent of such Reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling her to distribute such official reports in exchange for like documents from other similar institutions abroad, she shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly.

CHAPTER 39.

An Act to establish an Industrial Refuge for Girls.

[Assented to 11th March, 1879.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Portion of the Mercer Reformatory as a Refuge.

1. The Lieutenant-Governor in Council may set apart such portion of the Andrew Mercer Ontario Reformatory for females as he may think fit for the reception of girls under the age of fourteen years.

Name of portion set apart.

2. The said portion so set apart shall be called "The Industrial Refuge for Girls."

Certain officers of Mercer Reformatory to act as officers of Refuge.

3. The Inspector of Prisons and Public Charities and the Superintendent, Accountant, Surgeon and School-mistress of the Andrew Mercer Ontario Reformatory for Females shall be also the Inspector, Superintendent, Accountant, Surgeon, and School-mistress of the said Industrial Refuge for Girls, and shall perform similar duties in respect to both Institutions.

Appointment of other officers.

4. The Lieutenant-Governor may appoint for the said Industrial Reformatory for Girls, such other officers and servants as may be required, or he may require any officer or servant of the said Reformatory to act for both of the said Institutions.

What convicts may be sent to Refuge.

5. Whenever a girl under the age of fourteen years is convicted under any Act of the Legislature of Ontario of an offence

offence punishable on summary conviction and is thereupon sentenced and committed to prison in any common gaol, any Judge of the Superior Courts of Law, or the Judge of any County Court (in a case occurring within his County) may examine and enquire into the circumstances of such case and conviction, and may direct the offender to be sent either forthwith or at the expiration of her sentence to the said Refuge, to be there detained for a period of not less than two years and not exceeding five years, and such offender shall be liable to be detained pursuant to such direction unless, in the manner hereinafter provided or otherwise lawfully, sooner discharged: Provided no one sent to the Refuge under this section shall be discharged under this Act until the period for which she is sentenced for her said offence has expired.

6. The Inspector of Prisons may, upon the application of the Superintendent, direct the removal from the said Reformatory to the said Refuge of any girl under sixteen who is confined in the said Reformatory for any offence within the jurisdiction of the Legislature of Ontario. Removal from Reformatory to Refuge.

7. A County Court Judge or Police Magistrate may by his warrant commit to the said Industrial Refuge for Girls any girl apparently under the age of fourteen years who comes within any of the following descriptions: In certain other cases girls may be sent to Refuge

(1). Who is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;

(2). Who is found wandering and not having any home or settled place of abode or proper guardianship;

(3). Who is found destitute and is an orphan, or has a surviving parent who is undergoing penal servitude or imprisonment;

(4). Whose parent, step-parent, or guardian represents to the Judge or Police Magistrate that he is unable to control the girl and that he desires her to be sent to the said Refuge. The word guardian as used herein shall include any officer of a society under whose charge the girl is, or any person standing in fact in the place of a parent although not lawfully appointed a guardian;

(5). Who by reason of the neglect, drunkenness, or other vices of her parents or either of them, or of any other persons in whose charge such girl is, is suffered to be growing up without salutary control and education or in circumstances which render it probable that such girl will, unless placed under proper control, lead an idle and dissolute life.

Mode of proceeding under last section.

8. No formal information shall be requisite to authorize proceedings being taken under the preceding section, but the Judge or Police Magistrate before issuing his warrant shall have such girl brought before him and shall in her presence take evidence in writing under oath of the facts charged and shall make reasonable enquiry into the truth thereof.

Judge to obtain address of parents.

9. It shall be the duty of the Judge or Police Magistrate to obtain from the witnesses at the hearing, where practicable, the residence of the parents of the girl, or of the persons with whom she resides, and their Post Office address.

Proceedings and forms.

10. The proceedings to be taken and the forms to be followed upon an application for a committal to the said Industrial Refuge for Girls shall, unless where otherwise provided by this Act, be, as nearly as may be, in accordance with the proceedings and forms which are authorized in case of prosecutions before a Justice of the Peace for an offence punishable by imprisonment under the laws of Canada upon summary conviction.

Time of detention in Refuge.

11. It shall not be necessary in the said warrant to fix any period for the detention of any girl committed to the said Industrial Reformatory, but every girl so committed shall be liable to be there detained for the purpose of learning some proper trade, or being taught some other means of earning her livelihood, or for the formation of industrious habits, for the period of five years, unless the Lieutenant-Governor shall sooner direct her discharge or the Inspector shall make an order under the eighteenth section.

Transfer of prisoners from Refuge to Reformatory.

12. The Lieutenant-Governor in his discretion may at any time, and from time to time, order any girl confined in the said Refuge, who is reported by the Superintendent as incorrigible, to be transferred to the said Female Reformatory for any period not exceeding two months at any one time.

Superintendent to report proper cases for discharge

13. It shall be the duty of the Superintendent from time to time to report to the Provincial Secretary, for submission to the Lieutenant-Governor, the cases of such girls as she is of opinion may with propriety be discharged from the said Refuge.

Applications for discharge of girls committed under the seventh section.

14. In case an application is made to any court or judge for the discharge from the said Industrial Refuge for Girls of any girl committed thereto under the provisions of the seventh section of this Act, notwithstanding any irregularity in or insufficiency of the warrant or other proceedings, no order shall be made for such discharge in case the court or judge shall deem it for the benefit of such girl that she should remain in the said Industrial Refuge and it shall appear by the depositions taken before the committing judge or magistrate that she was
liable

liable to be committed to such Industrial Refuge under the provisions of this Act.

15. The committing magistrate shall deliver to the constable or other person having the execution of his warrant, the depositions taken by him, or a certified copy thereof, which depositions or copy shall be delivered by the said constable or other person to the superintendent or officer receiving the prisoner into the said Industrial Refuge; such copy shall be *prima facie* proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any girl committed thereunder.

Depositions to be delivered to person receiving prisoner.

16. The expenses of conveying to the said Refuge any girl committed thereto shall be paid by the county, city, or separate town in which such girl is committed.

Expenses of conveying persons to Refuge.

17. The Superintendent shall, upon the reception of any girl into the said Industrial Refuge, ascertain from the girl and from the depositions the address of the parents, guardian, or other person with whom such girl has been living, and shall send by mail, registered, a notice that such girl has been committed to the said refuge.

Superintendent to send notice to parents, etc.

18. In case any respectable and trustworthy person is willing to undertake the charge of any girl committed to the said Industrial Refuge, whether she is over or under the age of twelve years, as an apprentice to the trade or calling of such person or for the purpose of domestic service the Superintendent may, with the consent of the Inspector of Prisons, bind the said girl to such person for any term not to extend beyond the girl's attaining the age of eighteen years, and the Inspector shall thereupon order that such girl shall be discharged from the said Refuge, and she shall be discharged accordingly; any wages reserved in any such indenture shall be payable to the said girl or to some other person for her benefit.

Superintendent may bind girls in certain cases.

CHAPTER 40.

An Act respecting the Municipality of Shuniah.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS certain of the ratepayers of the Municipality of Shuniah, have petitioned for certain amendments in the Acts respecting and for the organization of the said municipality, and for other matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Ss. 9 and 11,
of 36 Vic. c.
50, repealed.

1. Sections nine and eleven of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act to organize the Municipality of Shuniah, and to amend the Act for establishing Municipal Institutions in unorganized districts," are hereby repealed, and the following substituted therefor:

9. The councillors elected for each ward, together with the reeve, who shall be elected by the electors of the said municipality, shall constitute the council of the said municipality, and the reeve shall be the head of the council, and shall be a justice of the peace *ex officio* for the said municipality and for the said District of Thunder Bay.

11. The nominations of candidates for the offices of reeve and councillors shall be held on the fourth Saturday in June in each year, at such time and at such place within said municipality as may from time to time be fixed by by-law of the Council; and, if a poll is required, the elections shall be held on the second Saturday in July thereafter, and such election shall be held at such place or places as may from time to time be fixed by by-law by the Council within the Town Plot of Fort William for the Wards of Neebing with Islands one and two, Blake, Pardee, Crooks, the McKellar ward and Island ward; and within Prince Arthur's Landing for the wards of McIntyre, McGregor, Paiponge, and the two wards of Prince Arthurs Landing; Provided that any ward as soon as it contains a resident population of twenty shall be entitled to have a polling place within the limits of such ward, and upon receiving a petition therefor from such residents, the Council shall by by-law fix such polling place.

Proviso.

How electors
may vote.

2. Every elector in the said Municipality of Shuniah may vote for the election of councillors for each ward in which he has the necessary qualification; but, in the case of the reeve, the elector is limited to one vote.

3. The said nominations and elections shall be held, and the proceedings thereat shall be carried on, as far as possible, in the manner prescribed for nominations and elections held under chapter one hundred and seventy-four of the Revised Statutes of Ontario, except as otherwise provided by this Act.

Proceedings at
nominations
and elections.

4. The lands bounded as follows: Commencing on the northerly bank of the Kaministiquia River where the easterly boundary of the Township of Neebing intersects said river; then northerly along the eastern boundary of said Township of Neebing to the north-east angle thereof; then easterly along the southerly boundary of the Township of McIntyre to the waters of Thunder Bay; then southerly, along the water's edge to the Kaministiquia River; then south-westerly along the northerly bank of the said river to the place of commencement, shall form a ward within the Municipality of Shuniah, which shall be known as McKellar Ward and shall be entitled to elect one councillor to the council of said municipality, the first election of such councillor shall be held in June and July next.

McKellar
Ward.

5. Islands numbers one and two, known as Neebing additions are hereby constituted a part and parcel of the Ward of Neebing.

Islands 1 and
2 added to
Neebing
Ward.

6. All assessment rolls of the Municipality of Shuniah down to and including that for the year one thousand eight hundred and seventy-eight, as finally passed by the Court of Revision in the said municipality, and certified by the clerk as passed, are, and are hereby declared to be, valid and binding upon all parties concerned, notwithstanding any defect or error committed in or with regard to such rolls, or any defect, error, or misstatement in the notice required by section fourteen of the Act passed in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, intituled "An Act to organize the Municipality of Shuniah, and to amend the Act for establishing Municipal Institutions in Unorganized Districts," or the omission to deliver or transmit such notice, or in the time of the delivery or transmission of such notice.

Assessment
rolls con-
firmed.

CHAPTER 41.

An Act to incorporate the City of Guelph.

[Assented to 11th March, 1879.]

WHEREAS the Corporation of the Town of Guelph have, by their petition, represented that the said town contains a population of upwards of ten thousand souls and that

Preamble.

the

the said population is rapidly increasing, and that the said town, by reason of its increased and extensive railway facilities, its large manufacturing and mercantile interests, and its situation in the midst of a rich agricultural district, is now, and will continue to be, an important commercial centre; and whereas the said corporation by their petition have prayed that the said town might be erected into a city, to be called "The City of Guelph;" and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town of
Guelph Incorporated as a
city.

1. On and after the twenty-third day of April next after the passing of this Act, the said Town of Guelph shall be, and is hereby incorporated as, a city, and shall be known hereafter as the Corporation of the City of Guelph, and as such shall enjoy and possess all the rights, powers and privileges which could have been exercised and enjoyed by the said City of Guelph if the same had been incorporated as a City under the provisions of "The Municipal Act" instead of under this Act.

Property of
the town to
belong to
city.

2. The property and assets of the said Town of Guelph shall belong to the City of Guelph, and all the debts, liabilities and obligations of the said Town of Guelph shall be assumed and paid by the Corporation of the said City of Guelph, and the officers and servants of the said Town of Guelph, shall until superseded in, or removed from office by the Council of the said city, remain the officers and servants of the said City of Guelph.

Certain provisions of the
Municipal
Act to apply.

3. The provisions of "The Municipal Act" relating to matters consequent upon the formation of new municipal corporations and the other provisions of "The Municipal Act" aforesaid shall, except so far as herein otherwise provided, apply to the said Corporation of the City of Guelph in the same manner as if the said town had been erected into a city under The Municipal Act.

Present
Mayor and
council to be
that of city.

4. The present mayor and council of the said town shall be, and continue to be, the mayor and council of the said city, and shall hold office until the election of their successors as provided by this Act, and shall exercise all the rights and powers, and perform all the duties, pertaining to the offices of mayor and aldermen respectively of a city, and in the event of death, resignation, or disqualification of said mayor or any member of said council, a new election shall be held to fill the vacancy under the provisions of the Municipal Act.

Qualification
of officers and
electors.

5. At any election in the said city held prior to the first day of February next after the passage of this Act the qualification
of

of the electors shall be the same respectively as required in towns, and at all subsequent elections the qualifications of the electors, mayor, aldermen, and officers, shall be the same as that required in cities.

6. John Harvey, of the said Town of Guelph, Esquire, who is now the clerk thereof, or in case of his death, or inability to act, such other person as the council of the said town may by by-law to be passed before the last Monday in the month of December next appoint in his stead, is hereby appointed the returning officer for the purpose of holding the nomination for the first election of mayor, and it shall be lawful for, and incumbent upon, the returning officer to hold such nomination at the City Hall, in the City of Guelph, at the hour of ten o'clock in the forenoon of the said last Monday in the month of December. Returning Officer.

7. The said returning officer shall have all the powers and perform all the duties of clerk of the said city until the appointment by the council thereof of some other person in his place and stead. Power of Returning Officer.

8. The council of the said city shall have power by by-law to be passed before the said last Monday in the month of December to appoint a deputy returning officer for each of the several polling sub-divisions of the said city, each of whom shall have all the powers and perform all the duties of deputy returning officer in municipal elections for cities, and also by by-law to be passed within the time aforesaid to name the places in each of the several wards at which the nominations of aldermen and election of mayor and aldermen shall be held in case a poll be required. Deputy Returning Officers.

9. The said nominations for aldermen shall be held on the said last Monday in the month of December, at noon, and if a poll be required the same shall be opened on the same day of the following week, and the nominations and the election of mayor and aldermen, shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities. First election.

10. The last revised assessment roll and voters' list of the said town shall be taken to be the roll and voters' list for any future election either to the municipal council or to the Legislative Assembly in the said city, until another assessment shall be made and the roll thereof shall be revised, and the voters' list thereunder shall be duly made and completed. Voters' list.

11. Notwithstanding any statute to the contrary, the said city council shall have power to organize or continue a police force, and to regulate and control the same and the members Police.

members thereof, and to fix the salary and allowances of said members, and in the said city the provisions of the said Municipal Act respecting police commissioners shall not apply or be of any effect, unless and until adopted by by-law of the said city council; but this section shall not apply or have any force or effect after it shall appear from any general census, or from any census which may be taken by the assessor, or under a by-law of the municipality, that said city contains fifteen thousand inhabitants or more, and the Police Magistrate of the said City of Guelph shall not receive a salary exceeding twelve hundred dollars until it appears in the manner aforesaid that said city contains fifteen thousand inhabitants or more.

CHAPTER 42.

An Act to incorporate the Town of Mount Forest.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the population of the Village of Mount Forest, in the County of Wellington, is rapidly increasing, and owing to the situation and location of the said village on the present Toronto, Grey and Bruce Railway, and also on the proposed Georgian Bay and Wellington Railway, it is likely to become a large manufacturing place, and attract the trade of a large, populous and wealthy section of country; and whereas the inhabitants of the said village, at a public meeting held in the said village, passed a resolution in favour of incorporating the said village as a town; and whereas the council of the said village have, by their petition, represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulation for the protection and improvement of property, and to carry out improvements they are desirous of making, and that a portion of the Townships of Arthur, Normanby and Egremont, should be included in the said town: and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town incorporated.

1. On and after the twenty-ninth day of December next after the passing of this Act, the said Village of Mount Forest shall be and is hereby constituted a corporation or body politic under the name of the Corporation of the Town of Mount Forest, and shall enjoy, and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province

Province of Ontario, under the existing municipal laws for the said Province.

2. The said Town of Mount Forest shall comprise and consist of the present Village of Mount Forest, and of the third division of lot number thirty-two and the whole of lot number thirty-three in the first concession of the Township of Egremont, in the County of Grey, and of all those portions of lots sixty-eight, sixty-nine, seventy and seventy-one adjacent to the said village in the third concession of the aforesaid Township of Egremont south of Sligo Road produced, and of the third division of lot number thirty-two and the whole of lot number thirty-three in the first concession of the Township of Normanby, in the aforesaid County of Grey: and of the first and second divisions of lot number two, east of the Guelph and Owen Sound Road, and the whole of lot number two to the centre of Bentley Street and west of the Guelph and Owen Sound Road, and also lot number one in the eleventh concession, all in the Township of Arthur, in the County of Wellington.

Limits of town.

3. Except as otherwise provided by this Act, the provisions of the Revised Statutes respecting Municipal Institutions with regard to matters consequent upon the formation of new corporations and the other provisions of the said statutes applicable to the erection of a village into a town under the said statutes and to the town so erected, shall apply to the said Town of Mount Forest, in the same manner as they would have been applicable had the said Village of Mount Forest been erected into a town under the provisions of the said statutes.

Revised Statutes respecting Municipal Institutions to apply.

4. All debentures heretofore authorized under any by-law of the said Village of Mount Forest, and whether the same had been issued or not, shall be valid and binding upon the said Corporation of the Town of Mount Forest.

Existing debentures.

5. At the first election of mayor, reeve, and councillors (and deputy reeve, if entitled to such), for the said Town of Mount Forest, the qualification of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.

Qualifications.

6. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town, and paid by it to any party that may be entitled thereto.

Expenses of Act.

7. The said Town of Mount Forest shall for all municipal, judicial, electoral and school purposes and also for the purpose of registration of titles, belong to and form part of the County of Wellington.

Town to form part of County of Wellington.

Wards.

8. The said Town of Mount Forest shall be divided into four wards, in manner described in the Schedule to this Act, to be called respectively North Ward, East Ward, South Ward, and West Ward, which said several wards shall be respectively composed and bounded as follows:

SCHEDULE.

(Section 8.)

WARDS OF THE TOWN OF MOUNT FOREST.

North Ward—Shall comprise all that part of the said town which is bounded as follows, that is to say: Commencing at the intersection of the centre lines of King Street and Main Street; thence northerly along Main Street to the northerly limit of the said town (being the limit between the said town and the second and third divisions of lot thirty-two, in the first concession of the Township of Egremont); thence easterly along said limit to the rear line of the first concession of the Township of Egremont; thence southerly along said line to the centre of Sligo Road; thence easterly along said road to the centre of the road allowance between the said town and the Township of Egremont, known as the base line road; thence southerly along said road to the centre of King Street produced; thence westerly along King Street to the place of beginning.

East Ward—Shall comprise all that part of the said town which is bounded as follows, that is to say: Commencing at the intersection of the centre lines of King Street and Main Street; thence easterly along King Street produced to the centre of the road allowance between the said town and the Township of Egremont; thence southerly along said road to the centre of London Road; thence southerly along London Road to the centre of Queen Street; thence easterly along Queen Street to the limit between the said town and lots numbers one and two, in the ninth concession of the Township of Arthur; thence southerly along said limit to the limit between said town and the second and third division of lot number two, east of the Guelph and Owen Sound Road; thence westerly along said limit to the centre of the Guelph and Owen Sound Road; thence northerly along said road fifteen chains, more or less, to that line which was the southerly limit of the Village of Mount Forest; thence westerly along the said line twelve chains and fifty links, more or less, to the centre line of John Street produced; thence northerly along said line to the centre of Queen Street; thence easterly along Queen Street to the centre of Main Street; thence northerly along Main Street to the place of beginning.

South

South Ward—Shall comprise that part of the said town which is bounded as follows, that is to say : Commencing at the intersection of the centre lines of Main Street and Wellington Street ; thence southerly along Main Street to the centre of Queen Street ; thence along Queen Street to the centre of John Street ; thence along John Street produced to that line which was the southerly limit of the Village of Mount Forest ; thence easterly along the said line to the centre of the Guelph and Owen Sound Road ; thence southerly along said road to the centre of Bentley Street ; thence westerly along Bentley Street to the westerly side of Elizabeth Street ; thence along the westerly side of Elizabeth Street to the limit between the said town and lot number three, west of the Guelph and Owen Sound Road in the Township of Arthur ; thence along said limit to the limit between the said town and lot number two, in the eleventh concession of the Township of Arthur ; thence northerly along said limit to that line which was the southerly limit of the Village of Mount Forest ; thence easterly along said line to the centre of Cork Street ; thence northerly along Cork Street to the centre of Queen Street ; thence easterly along Queen Street to the centre of Wellington Street ; thence easterly along Wellington Street to the place of beginning.

West Ward—Shall comprise all that part of said town which is bounded as follows, that is to say : Commencing at the intersection of the centre lines of Wellington Street and Main Street ; thence westerly along Wellington Street to the centre of Queen Street ; thence along Queen Street to the centre of Cork Street ; thence along Cork Street to that line which was the southerly limit of the Village of Mount Forest ; thence westerly along said line to that line which was the easterly limit of lot number one, in the eleventh concession of the Township of Arthur ; thence southerly along said line to the limit between the said town and lot number two, in the eleventh concession of the Township of Arthur ; thence westerly along said limit to the centre of Lover's Lane ; thence northerly along the centre of Lover's Lane to the centre of Queen Street ; thence to the centre of Sligo Road ; thence easterly along the centre line of Sligo Road to the limit between the said town and lots seventy-five and seventy-four, in concession "A" and lot thirty-three in the first concession of the Township of Normanby ; thence northerly along said limit to the limit between the said town and the second and third divisions of lot number thirty-two, in the first concession, of the Township of Normanby ; thence easterly along said limit to the centre of Main Street ; thence southerly along Main Street to the place of beginning.

CHAPTER 43.

An Act relating to the incorporation of the Village of Tiverton.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS certain inhabitants and ratepayers of the Village of Tiverton, in the County of Bruce, by their petition, represent that the by-law, hereto appended, was duly passed by the Council of the Corporation of the County of Bruce, on the fifth day of December, in the year of our Lord one thousand eight hundred and seventy-eight; and that, under section eighty-six, of chapter one hundred and seventy-four, of the Revised Statutes of Ontario, the first election under a by-law erecting a locality into an incorporated village should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect; and that it would be productive of great benefit to the petitioners that the election held on the last Monday in December, in the year of our Lord one thousand eight hundred and seventy-eight, should be confirmed; and have prayed for an Act confirming the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law confirmed.

1. The said by-law of the County Council of Bruce, a copy of which is set forth in the schedule to this Act, marked A, incorporating the Village of Tiverton, is hereby confirmed as if the incorporation of the said village had gone into effect on the fifth day of December, one thousand eight hundred and seventy-eight, and the territory described in the said by-law is from that date to be taken and considered as having been erected into an incorporated village, called and to be called the Village of Tiverton, and the inhabitants thereof as formed into a municipal corporation by the name of "The Corporation of the Village of Tiverton."

Election of reeve and councillors confirmed.

2. The election of reeve and councillors for the said Village of Tiverton, held, under the said by-law, on Monday, the thirtieth day of December, in the year one thousand eight hundred and seventy-eight, is hereby confirmed; and the Reeve of the said Village of Tiverton, then elected, shall have a seat in the County Council of Bruce, for the year one thousand eight hundred and seventy-nine.

General Acts to apply except so far as varied hereby.

3. Except as herein specially enacted, all the provisions of the Acts passed by the Legislative Assembly of the Province of

of Ontario, relating to municipal institutions, are hereby declared to apply to the said village, in the same manner and to the same extent in all respects as if the said village had been incorporated under the provisions of those Acts, and such incorporation had taken place upon the said Monday in December aforesaid.

4. For the purpose of the election of members to the Legislative Assembly of the Province of Ontario, this Act shall not take effect until the first day of January, in the year one thousand eight hundred and eighty, but for all other purposes this Act shall take effect, from and after the passing thereof.

Time Act to
take effect.

SCHEDULE A.

(Section 1.)

BY-LAW No. 143.

A by-law to erect into an incorporated village the Village of Tiverton, in the Townships of Bruce and Kincardine.

Whereas the inhabitants of the unincorporated Village of Tiverton, in the Townships of Bruce and Kincardine, in the County of Bruce, are desirous that said village should become an incorporated village;

And whereas the census of said unincorporated village taken under the directions of the County Council of the County of Bruce, shew that the sections of the said Townships of Bruce and Kincardine, intended to be included within the limits of such village, contain eight hundred and thirty-four residents;

And whereas the residences of said inhabitants within said section, so applying for incorporation, are sufficiently near to form an incorporated village;

And whereas said inhabitants have, by their petition, signed by over one hundred residents, freeholders and householders, of whom over one-half are freeholders, prayed that said village may be erected into an incorporated village;

And whereas the County Council of the County of Bruce, within the limits of which county said incorporated village and neighbourhood are situate, is desirous of complying with the prayer of said petition.

Be it enacted by the Municipal Council of said County of Bruce, and it is hereby enacted,

1. That the inhabitants of Tiverton and neighbourhood shall be and they are hereby constituted a corporate body politic, under the name of the Corporation of the Village of Tiverton, and the said village and neighbourhood are hereby erected into an incorporated village apart from the said Townships of Bruce and Kincardine, in which the same are situated.

2.

2. The boundaries of said incorporated village shall be as follows, and said incorporated village shall include within its limits the following lands, that is to say, the lands contained within the following boundaries :

That part situate in the Township of Kincardine, being composed of parts of lots numbers fifty-nine and sixty, concession C, and parts of lots numbers one, two and three, in twelfth concession, containing by admeasurement two hundred and fifty acres of land, be the same more or less ; and may be better known and described as follows :

That is to say, Commencing at a post planted on the easterly angle of lot number three, as aforesaid ; thence south twenty-nine degrees and five minutes west twenty chains to a point ; thence north sixty degrees and fifty minutes west fifty chains, crossing lots numbers three, two, and the east half of lot number one, be the distance more or less ; thence south twenty-nine degrees and five minutes west thirty chains, more or less, to the southerly limits of said lot one ; thence north sixty degrees and fifty-five minutes west ten chains, more or less, to the westerly angle of the said lot number one ; thence north twenty-nine degrees and five minutes east ten chains, more or less, to a point opposite the southerly angle of lot number fifty-nine ; thence north sixty degrees and fifty-five minutes west, after crossing the original road allowance between lots one and fifty-nine, twenty chains ; thence north twenty-nine degrees and five minutes east twenty chains to a point in the limit between the lots numbers fifty-nine and sixty ; thence north sixty degrees and fifty-five minutes west ten chains to a point ; thence north twenty-nine degrees and five minutes east twenty chains, more or less, to a point in the northerly limit of said lot number sixty ; thence south sixty degrees and fifty-five minutes east along the northerly limit of said lot number sixty, and the fronts of lots numbers one, two and three, as aforesaid, ninety chains to the place of beginning, be the same more or less.

That part of Tiverton situate in the Township of Bruce :

Being composed of lot letter J, and parts of lots numbers one, two and three in the first concession of the Township of Bruce, containing by admeasurement two hundred and fifty acres of land, be the same more or less, and better known and described as follows, that is to say : Commencing at a post planted at the westerly angle of lot letter J ; thence north twenty-nine degrees and five minutes east sixty chains, more or less, to a point in the southerly angle of said lot letter J ; thence south sixty degrees and fifty-five minutes east twenty chains, more or less, to the easterly angle of said lot letter J ; thence south nine degrees and five minutes west fifteen chains to a point ; thence south sixty degrees and fifty minutes east, after crossing the original allowance for road between said lots J and one, twenty chains, more or less to a point ; thence south twenty-nine degrees and five minutes west fifteen chains to a point ; thence south sixty degrees and fifty-five minutes east fifty chains

chains, more or less, crossing said lots numbers two and three; thence south twenty-nine degrees and five minutes east twenty chains, more or less, to the southerly angle of said lot number three; thence north sixty degrees and fifty-five minutes west along the fronts of said lots three, two and one and lot J, ninety chains, more or less, to the place of beginning.

The first municipal election of said incorporated village shall be held at the town hall in said village, and Samuel Palmer Chapman, of said village, gentleman, is hereby named and appointed the returning officer who is to hold said first municipal election for said village.

Signed, ROBERT BAIRD,
Warden.

Dated this fifth day of December, in the year of our Lord one thousand eight hundred and seventy-eight.

GEORGE GOULD,
County Clerk.

I, George Gould, county clerk, hereby certify that the foregoing is a true and correct copy of the said by-law.

Witness my hand and office seal, at Walkerton, the twelfth day of December, one thousand eight hundred and seventy-eight.

[L.S.]

GEORGE GOULD.
County Clerk, Bruce.

CHAPTER 44.

An Act to extend the limits of the Town of Walkerton.

[Assented to 11th March, 1879.]

WHEREAS the inhabitants of the Town of Walkerton Preamble.
in the County of Bruce, have, by the petition of the council of the said town, prayed that the limits of said town may be extended by adding thereto the lands and premises hereinafter mentioned, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands and premises following, that is to say, S. 2, of 34,
farm lot number twenty-two in the second concession south of ^{Vic., c. 69,}
the Durham Road, in the Township of Brant, in the County of ^{amended.}
Bruce, and the several sub-divisions thereof being:—First,—
Wallace's sub-division of said farm lot containing lots
one,

one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, and twenty-one, and Robert Street, Wallace Street, and Delilah Street; Second,—Block “A,” Ries sub-division of said farm lot, containing lots one, two, three, four, and five, and Block “B” of same sub-division containing lots one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, and thirteen; also the west half of the road allowance between said farm lot twenty-two and farm lot twenty-three in said second concession; also McGiverin and Joseph Streets; and Third,—Block “A.” of Short’s sub-division of said farm lot being composed of lots one, two, three, four, five, six, seven, eight, nine, ten, eleven, and twelve, and Shields, Dorland and Ridout Streets, being land in the Township of Brant, in the County of Bruce, adjacent to the said Town of Walkerton, shall be detached from the Township of Brant, and added to the present and existing limits of said town, and section number two of chapter sixty-nine passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, intituled “An Act to Incorporate the Town of Walkerton and to define the limits thereof” is amended by adding thereto the description of the lands above described.

Added lands
to form part
of Silver
Creek Ward.

2. The said lands shall be in and form part of Silver Creek Ward in said town.

CHAPTER 45.

An Act to provide for the division of the Township of Colchester.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS certain inhabitants and ratepayers of the Township of Colchester, in the County of Essex, have, by their petition, represented that it is expedient to separate said Township of Colchester, into two distinct municipalities, inasmuch as such division of the said township will greatly promote the welfare and convenience of its inhabitants; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Township of
Colchester
North.

1. Upon, from and after the last Monday in December, one thousand eight hundred and seventy-nine, the inhabitants of all that portion of the said Township of Colchester, which lies north of the centre of the allowance for road between the sixth and seventh concessions, shall constitute a separate township or corporation

poration under the name of the Corporation of the Township of Colchester North, and the said territory, shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

2. Upon, from and after the said last Monday in December, one thousand eight hundred and seventy-nine, the inhabitants of all that portion of the said Township of Colchester, which lies south of the centre of the allowance for road between the sixth and seventh concessions, shall constitute a separate township or corporation under the name of the Corporation of the Township of Colchester South, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

Township of
Colchester
South.

3. All and every the assets and debts of the present Municipality of Colchester shall be divided between the said respective Municipalities of Colchester North, on the one hand, and Colchester South, on the other, in the same manner and by the same proceedings as nearly as may be as in the case of a separation of a junior township from a senior township, and as soon as the said debts shall have been divided as aforesaid, each of the said municipalities shall be bound to the payment of the share of the said debts which shall have been so assigned to it as aforesaid, as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining, however, liable as surety in respect of the share (if any) of the said debts which it is not its duty primarily to pay.

Division of
assets.

4. The first nomination for the election of municipal councillors for the said townships shall take place on the said last Monday of December in the year one thousand eight hundred and seventy-nine, and the polling (if any) at such election shall take place on the first Monday in January next thereafter; and the place for holding such election for the Township of Colchester South shall be where the last annual election of councillors for the Township of Colchester was holden, and the returning officer at such election shall be the township clerk of the present Township of Colchester; and the place for holding the election for the Township of Colchester North, shall be at the Good Templars Hall in the Village of Essex Centre, in the said township, and the sheriff for the time being of the County of Essex shall be the returning officer for the said last mentioned

Election of
Municipal
Councillors.

tioned election: and the provisions of the Revised Statutes of Ontario respecting Municipal Institutions, having reference to the case of the separation of a junior from a senior township shall apply to the townships hereby formed, as if such townships had been a union of townships, except where it is otherwise herein specifically provided, and for the purpose of applying such provisions, the said Township of Colchester South shall be deemed to have been the senior township and the said Township of Colchester North shall be deemed to have been the junior township; and the Corporation of the Township of Colchester South shall be deemed to be a continuation of the said Corporation of the Township of Colchester.

Copy of
Assessment
Roll to be
furnished to
Returning
Officer of
Colchester
North.

5. The clerk of the said Township of Colchester shall furnish to the returning officer of the Township of Colchester North, before the said election, a copy of the Assessment Roll of the Township of Colchester for the year one thousand eight hundred and seventy-nine, so far as the same contains the ratable property assessed and the names of the owners, tenants and occupants thereof within that part of the said township which is hereby constituted the Township of Colchester North.

CHAPTER 46.

An Act to amend the boundary lines of the Town of Ingersoll.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Mayor and Council of the Corporation of the Town of Ingersoll have, by their petition, represented that by an Order-in-Council of the Government of the late Province of Canada, a proclamation was issued bearing date the twelfth day of September, one thousand eight hundred and fifty-one, defining by metes and bounds the said corporation as a village as follows: Commencing on the southerly bank of the River Thames in the boundary line between lots numbers seventeen and eighteen in the broken front concession of the Township of West Oxford; thence along the said boundary line between lots numbers seventeen and eighteen in the broken front concession and the boundary line between lots numbers seventeen and eighteen in the first concession south-easterly to the middle of the depth of the said first concession; thence along the middle of the depth of the said first concession south-westerly to the boundary line between lots numbers twenty-two and twenty-three; thence along the said boundary line between lots numbers twenty-two and twenty-three north-westerly to the south-easterly bank of the River Thames; thence along the south-easterly bank of the said River Thames,

Thames, with the stream, to a point in prolongation of the boundary line between lots numbers eight and nine in the fourth concession of the Township of North Oxford; thence along the said boundary line between lots numbers eight and nine in the fourth concession of the Township of North Oxford; thence along said boundary line between lots numbers eight and nine and the prolongation thereof northerly to the northerly limit of the allowance for road between the third and fourth concessions of the said Township of North Oxford; thence along the northerly limit of the said allowance for road between the third and fourth concessions easterly to the easterly limit of the allowance for road between lots numbers twelve and thirteen; thence along the easterly limit of the said allowance for road between lots numbers twelve and thirteen southerly to the north-westerly Bank of the River Thames, up the stream; thence along the said north-westerly bank of the River Thames to a point in prolongation of the aforesaid boundary line between lots numbers seventeen and eighteen in the broken front concession of the Township of West Oxford; thence across the said river to the place of beginning: And whereas the intention of the then petitioners, was that only one half of the said road allowance between the third and fourth concessions and between lots numbers twelve and thirteen in the said fourth concession of the said Township of North Oxford should be embraced in the said corporation limits by said proclamation, and the error in the said description has only recently been discovered; and whereas the description hereinafter set out embracing one half of said road allowance contains the true and accurate description of the said corporation limits according to the original application, which said description the said petitioners desire to have adopted and legalized; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in the Royal Proclamation in the preamble of this Act mentioned, dated the twelfth day of September, in the year of our Lord one thousand eight hundred and fifty-one, defining the limits of the Corporation of the Village of Ingersoll, the following description of the Town of Ingersoll shall from and after the passing of this Act be the correct boundary lines of the corporation of the said town, that is to say: Commencing on the southerly bank of the River Thames being the point where the boundary line between lots seventeen and eighteen in the broken front concession of the Township of West Oxford intersects said southerly bank of said River Thames; thence along the said boundary line between said lots seventeen and eighteen in the broken front concession and the boundary line between lots numbers seven-
Limits of the
Town of In-
gersoll defin-
ed.
 teen

teen and eighteen in the first concession of the said township, south-easterly to the middle of the depth of the said first concession; thence along the middle of the depth of the said first concession south-westerly to the boundary line between lots numbers twenty-two and twenty-three in said township; thence along the said boundary line between said lots twenty-two and twenty-three north-westerly to the south-easterly bank of the said River Thames; thence along the south-easterly bank of the said River Thames, with the stream, to a point in prolongation of the boundary line between lots eight and nine in the fourth concession of the Township of North Oxford (produced southerly) intersects it; thence along the said boundary line between said lots eight and nine, and the aforesaid prolongation thereof (northerly) to the centre of the allowance for road between the third and fourth concessions of the Township of North Oxford aforesaid; thence along the centre line of said allowance for road between the said third and fourth concessions (easterly) until intersected by the centre line of the allowance for road between lots twelve and thirteen, in the fourth concession of the Township of North Oxford aforesaid produced northerly; thence along the centre line of the road allowance between lots twelve and thirteen aforesaid and the prolongation thereof as aforesaid (southerly) to the north-westerly bank of the River Thames; thence southerly in prolongation of the centre line of the aforesaid allowance for road between lots twelve and thirteen to the south-easterly margin of the said River Thames; thence following said south-easterly margin against the stream to the place of beginning.

CHAPTER 47.

An Act respecting the Township of Harvey, in the County of Peterborough.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS certain inhabitants of the Township of Harvey, in the County of Peterborough, have, by their petition prayed that a portion of the said township may be detached therefrom and attached to the Township of Verulam, in the County of Victoria, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Part of the
Township of

1. From and after the first day of March next all that portion of the Township of Harvey, which lies west of Pigeon Lake,

Lake, consisting of all the lots in the nineteenth concession from one to fifteen, inclusive of both numbers, shall be detached from the Municipality of the Township of Harvey, and shall be annexed to the Municipality of the Township of Verulam, in the County of Victoria, for all municipal, judicial, electoral, and school purposes, and also for the purpose of registration of titles as if the same had always formed part of the said Township of Verulam, and the rest of the said Township of Harvey shall be entirely separated from the portions so detached for all purposes whatsoever.

Harvey to be attached to the Township of Verulam.

2. Nothing in this Act shall exempt the ratepayers in the tracts so detached from their liability to contribute to the payment of any municipal and school debts incurred before the passing of this Act.

Ratepayers in part detached still liable for certain debts.

3. In case the Counties of Peterborough and Victoria or the Townships of Harvey and Verulam do not, within three months after the first day of March, one thousand eight hundred and seventy-nine, agree as to the sum to be paid by one of such counties to the other or one of such townships to the other, as the case may be, in respect of the provisions of this Act or as to the times of payment thereof respectively, such matters shall as between such counties, if the County of Peterborough shall so require, and as between such townships if the Township of Harvey shall so require, be settled and determined by arbitration, under and in accordance with the provisions of the Municipal Act, and on ascertaining what amount the County of Victoria or the Township of Verulam, as the case may be, shall pay to the County of Peterborough or the Township of Harvey as the proportion of the debts of said County of Peterborough or Township of Harvey, which should be borne in respect of such detached portion, a proper allowance shall be made in respect of the interest or the property belonging to the County of Peterborough or the Township of Harvey, as the case may be, in the said detached portion as if the same had not been so detached.

Mode of determining amount and time of payment of debt.

4. The amount so agreed upon or determined by such arbitration as aforesaid shall bear interest from the said first day of March and shall be provided for by the council of the indebted county or township, as the case may be.

Interest on debt.

5. The clauses of the Municipal Act relating to arbitration shall be applied to such arbitration, so far as the same may be applicable and not inconsistent with the provisions of this Act.

Arbitration clauses of Municipal Act to apply.

CHAPTER 48.

An Act respecting Billing's Bridge and to legalize the conveyance thereof to the Ottawa and Gloucester Road Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Corporation of the County of Carleton have entered into an agreement with the Ottawa and Gloucester Road Company to convey, and by the instrument set forth in Schedule "A," appended to and forming part of this Act, did convey to the Ottawa and Gloucester Road Company, that certain bridge from an island within the Township of Nepean and then across the main stream of the Rideau River to the shore of the Township of Gloucester, and commonly known as Billing's Bridge; and the said the Corporation of the County of Carleton and the said the Ottawa and Gloucester Road Company have presented their joint petition, praying that an Act may be passed to confirm and legalize the said conveyance and every matter and thing therein contained; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Deed confirmed and meaning declared.

1. The said deed or instrument set forth in Schedule "A," to this Act is hereby legalized and made valid and effectual for the intents and purposes for which the same was executed, according to the purport, intent and meaning thereof, and for greater certainty, but not so as to restrict anything in the said deed or instrument contained, it is hereby enacted and declared, that from and after the passing of this Act it shall be the duty of the said the Ottawa and Gloucester Road Company, at all times, to keep and maintain in good and proper repair the said bridge in said deed or instrument mentioned.

SCHEDULE "A."

This Indenture, made the twenty-first day of September, in the year of our Lord one thousand eight hundred and seventy-eight, Between The Corporation of the County of Carleton, hereinafter called "The Corporation" of the first part, and The Ottawa and Gloucester Road Company, hereinafter called "The Company" of the second part:

Whereas, by an agreement, bearing date on or about the fourth day of February, in the year of our Lord one thousand eight hundred and seventy-eight, and expressed to be made between the said Corporation of the first part and the said Company

Company of the second part, after reciting that the Company, under the powers and authorities enabling them, have constructed a macadamized or gravelled road, having a commencement at the City of Ottawa and extending through a portion of the Township of Nepean, and thence several miles into the Township of Gloucester; and that a certain bridge from an island within the Township of Nepean, and thence across the main stream of the Rideau River to the shore of the Township of Gloucester, and commonly known as Billing's Bridge, intervenes and forms part of the line of the said road, and has been deemed part of the said road, and that the said bridge had fallen down and become broken, ruinous, and out of repair, as well by ordinary decay as by reason of the waters of the said Rideau River, and that the rights and obligations of the respective parties thereto were doubtful, as well respecting their respective duty to rebuild and reinstate the said bridge in repair as to keep the same in repair, and further reciting as is therein recited:

It is witnessed that the said parties hereto did covenant the one with the other of them forthwith to enter into a contract to rebuild, reinstate, and put in proper and complete repair the said Billing's Bridge, in manner and upon the terms and conditions therein set forth; and upon the complete reinstatement and rebuilding of said bridge, the Corporation covenanted with the Company to grant and convey absolutely, so far as the Corporation lawfully could and might, the said bridge to the Company, with all the rights, privileges and appurtenances thereunto belonging, subject to all the duties and obligations which the law might give or impose in reference thereto, which said duties and obligations the Company covenanted with the Corporation to assure and absolutely to indemnify and save harmless the Corporation therefrom, as by reference to the said agreement will, amongst other things, more fully and at large appear.

And whereas the said bridge, in pursuance of the said agreement, has been completely reinstated and rebuilt, and the said Company has applied to the said Corporation for a grant and conveyance of the said bridge pursuant to the terms of the said agreement;

Now, therefore, this Indenture witnesseth that, in consideration of the premises in pursuance of the said agreement and for the purpose of carrying the same into effect, the said Corporation, so far as the said Corporation lawfully can and may, and under the authority of by-law number two hundred and forty of the said Corporation, passed on or about the first day of February, in the year of our Lord one thousand eight hundred and seventy-eight, doth grant and convey unto the said The Ottawa and Gloucester Road Company the said bridge, with all the rights, privileges and appurtenances thereunto belonging, but subject to all the duties and obligations which the law may give or impose in reference thereto;

To hold the said bridge, with all the rights, privileges and appurtenances

appurtenances thereunto belonging, unto and to the use of the said Company absolutely, but subject to all the duties and obligations which the law may give or impose in reference thereto.

The said Ottawa and Gloucester Road Company covenant with the said the Corporation of the County of Carleton to keep the said bridge at all times in good and proper repair, and to indemnify and save harmless the said Corporation of the County of Carleton of, from and against all actions at law, suits in Chancery, damages and costs, arising or incurred, or hereafter to arise or be incurred, by reason of default on the part of said Company to keep the said bridge in good and proper repair: Provided always that the Corporation do procure an Act of the Legislature to be passed confirming this deed.

In witness whereof the said Corporation of the County of Carleton and the said the Ottawa and Gloucester Road Company have hereunto affixed their corporate seals.

“In duplicate.”

Witness :

THOS. CLARK,
Warden. { Corporate }
CHAS. MACNAB, { Seal. }
County Clerk.

CHAS. T. BATE,
President Ottawa and Gloucester Road Company.
A. MANN, { Corporate }
Secretary Ottawa and Gloucester Road Company. { Seal. }

CHAPTER 49..

An Act to incorporate the Lake Scugog Marsh Lands Drainage Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS Metcalfe Thwaite, of the City of Toronto, Merchant, Joseph Fisher Eby, of the same place, Merchant, Patrick George Close, of the same place, Esquire, William Murdoch, of the Town of Bowmanville, Civil Engineer, and Robert Armour, of said Town of Bowmanville, Barrister, have prayed that a company may be incorporated for the purpose of constructing an embankment or solid roadway from a point on the shore of Lake Scugog, at or south of and near to the Village of Port Perry, in the Township of Reach, to the opposite shore
at

at some point opposite to the place of commencement in the Township of Scugog; and also a similar embankment or solid roadway from some point on the shore of Lake Scugog south or south-west of and near to Cæsarea in the Township of Cartwright, to the opposite shore at some point opposite the place of commencement in the Township of Scugog; and for draining all that part or portion of the said Lake Scugog so to be cut off, lying to the south of said embankments or roadways, and to vest all the lands reclaimed thereby in the said company, subject to such conditions and provisions as are hereinafter enacted; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All such persons as shall become shareholders of the said company shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact and in name, by the style and title of "The Lake Scugog Marsh Lands Drainage Company," for the purpose of draining and reclaiming those certain marsh lands in the south part of Lake Scugog, which by section nineteen of this Act are specially described and defined, and, doing all things pertaining thereto or connected therewith, including the construction and maintenance of the embankments and roadways hereinafter in this Act mentioned, and shall and may have perpetual succession and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded, in any Court of Law or Equity, in their corporate name aforesaid, and they and their successors shall and may have a common seal and may change the same at their will and pleasure. Incorporation.

2. The capital stock of the said company shall be thirty thousand dollars, divided into three hundred shares of one hundred dollars each, with the power and privilege to increase from time to time the said capital stock, to the sum of one hundred thousand dollars by and with the consent of the shareholders given at any special meeting held for that purpose, which shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act. Stock.

3. For the purpose of organizing the said company the said Metcalfe Thwaite, Joseph Fisher Eby, Patrick George Close and Robert Armour shall be provisional directors thereof; and they, or a majority of them, may cause stock books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the papers in the Village of Port Perry or the Town of Bowmanville, upon which stock books Provisional Directors.

books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said company, and such books shall be opened in the said Town of Bowmanville and elsewhere within the Province of Ontario, at the discretion of the said provisional directors, and shall remain open as long as they deem it necessary; and the provisional directors are hereby authorized to receive from the shareholders a deposit of five per centum on the amount of their stock subscribed by them respectively, and to pay all costs and expenses incurred in the application for and obtaining the passing of this Act.

When meeting
for election of
Directors may
be called.

4. When fifteen thousand dollars of the said capital stock shall have been subscribed as aforesaid, and at least twenty-five per centum of the amount so subscribed paid into one of the chartered banks of the Province of Ontario, to be designated by the provisional directors, and not to be withdrawn therefrom except for the purposes of the Company, the said provisional directors may call a general meeting of shareholders at some place in the said Town of Bowmanville or said Village of Port Perry, giving at least ten days' notice thereof in the *Ontario Gazette*, and also in some paper published in said town or village, at which meeting the shareholders present in person or represented by proxy shall elect a board of directors composed of five persons, being shareholders and qualified in the manner and as by this Act provided, and said directors shall hold office for one year after their election.

Shareholders.

5. Aliens as well as British subjects, and whether resident in Canada or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold office as directors or otherwise in the said company.

Board of Directors.

6. The stock, property, affairs and concerns of the said company shall be managed and conducted by the board of directors, who shall hold office until the next annual general meeting of shareholders and election of directors, to be holden at the City of Toronto on the anniversary of the first election of directors, or on such other day in each year as may be appointed by by-law of the said company; not less than ten days notice of such meeting being given as provided in section four of this Act; the said election authorized by this section shall be held and made by such of the shareholders present in person or represented by proxy as shall have paid all calls made by the directors and then due, and all such elections shall be by ballot, and the number of said directors shall be five, and they who, to the said number of five, shall have the greatest number of votes at any such election shall be the said directors, except as hereinafter provided, and if two or more persons have an equal
number

Election.

number of votes in such a manner that a greater number of persons than the number required shall appear to be chosen as directors, then the directors who shall have the greater number of votes or a majority of them shall determine which of the said persons so having an equal number of votes shall be the director or directors so as to complete the whole number required as aforesaid, and the said directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be president and one to be vice-president; and if any vacancy should at any time happen amongst the said directors by death, resignation, disqualification or removal during the current year of office, such vacancy may be filled for the remainder of the year by the remaining directors, or a majority of them present at any meeting, electing to fill such vacancy a shareholder eligible for such office; provided always that no person except as hereinafter provided shall be eligible to be or continue to be a director unless he shall hold stock in the said company to the amount of fifty shares, whereof at least ten per centum shall have been paid in, and shall have paid all calls made and due upon his said stock.

7. In case it should at any time happen that an election of directors of the said company should not be made on any day when pursuant to this Act it should have been made, the said company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to make and hold an election at a special general meeting, to be called for that purpose by the directors, who shall continue in office until a new election is made; or any time subsequent to the first election of directors the number thereof may be determined as provided for in section twelve of this Act, but in default of any by-law, rule, regulation, or ordinance fixing the number of directors, the number thereof shall remain and be five, as aforesaid.

Failure to
elect Directors
not to dissolve
Company.

8. At the annual meeting of the shareholders the election of directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders; special general meetings of the shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders, the president, or in his absence, the vice-president, or in the absence of both of them, a director or shareholder, chosen by the shareholders, shall preside, who, in the case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

General
meetings.

Special
meetings.

9. At all general meetings of the said company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting,

Votes.

voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes; all persons entitled to vote at any meeting of shareholders may by writing under their hands (or if such person be a corporation then under their common seal), constitute any shareholder a proxy to vote at any such meeting; no person shall be allowed to vote as a proxy unless he shall be a shareholder and unless such appointment shall have been produced to the secretary and entered in a book to be kept by him for such purpose.

Trustees to represent stock held by them.

10. Every executor, administrator, tutor, curator, guardian, or trustee, shall represent the stock in his hands at all meetings of the company and may vote accordingly as a shareholder.

Quorum.

11. At all meetings of directors there shall be a quorum for the transaction of business; and all questions of business shall be decided by a majority of votes, and in case of an equality of votes, the president, vice-president or presiding director, shall give the casting vote, in addition to his vote as director; and at all such meetings the president, or in his absence, the vice-president, or in the absence of both, a director, chosen by a majority of the directors present, shall preside.

Powers of Directors.

12. Except as otherwise provided by this Act, the directors shall have full power and authority from time to time, to make, amend, repeal or re-enact such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the company, the management and disposition of its stock, property, estate and effects; the calling of the special general meetings; the regulations of the meetings of the board of directors; the increasing or decreasing of the number of directors; the increasing of the capital stock; the appointment of a general manager and secretary; the making of calls upon the subscribed capital; the issue and allotment of shares; the appointment and number of officers and agents of the company, the regulation of their power and duties, and the remuneration to be paid to them; the regulation of the transfer of stock, and the form thereof; the compensation of the directors; the adjusting and paying of all claims against the company, and generally to do all other necessary matters and things they may deem expedient in conducting and managing the interests, business and affairs of the company; and may at a meeting held for such specified purpose declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business.

Calls.

13. The shares of capital stock subscribed for shall be paid in by such instalments and at such times and places as the directors

directors shall appoint ; no such instalment, except the first, shall exceed ten per cent. ; thirty days' notice of each call for any such instalment shall be given before the same becomes payable ; and executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be and they are hereby respectively indemnified for paying the same.

14. If any instalment upon any share be not paid when due the directors may declare such shares forfeited together with the amount previously paid thereon, in such manner as may be provided by the by-laws, and such forfeited share may be sold at a public sale by the directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act ; provided always that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than are deemed necessary to pay such arrears, interest and expenses.

Forfeiture of shares.

15. If payment of such arrears of calls, interest and expenses be made before any share so declared forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof ; and in all actions or suits for the recovery of such arrears or calls it shall be sufficient for the company to allege that the defendant being the owner of such shares is indebted to the said company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the company by virtue of this Act, and on the trial it shall be only necessary to prove that the defendant was owner of the said shares in the company, that such calls were made and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such calls or any matter whatsoever other than what is before mentioned ; a copy of such by-law, rule, regulation or minute, or of any entry in any book of the company certified to be a true copy under the hand of the president or vice-president or the general manager or secretary of the company, and sealed with the corporate seal shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry without further proof thereof and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Forfeited shares, if unsold, to revert to owner on payment of calls.

16. No transfer of any share of the stock of the said company shall be made or be valid until entered in the books of the said company according to such form as may from time to time be fixed by the by-laws of the company, and until the whole of any such share in the capital stock of the company is paid up it shall be necessary to obtain the consent of the directors

Transfer of stock.

Proviso.

rectors to such transfer being made ; provided always that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Liability of shareholders.

17. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities of the company, but no further; he shall not, however, be liable to an action therefor to any creditor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder, and the share shall be deemed personal estate.

Transmission of shares by death, &c.

18. The transmission of any shares of the stock of the company in consequence of the marriage or death or insolvency of a shareholder or by any other means than an ordinary transfer shall be made, proved and authenticated, in such form, by such proof, and generally in such manner as the directors shall from time to time require, or by by-law direct, before any person claiming such shares shall be entitled to vote thereon or to receive any dividends or money payable in respect thereof.

Construction of road authorized.

19. The said company shall have power to construct a solid roadway or embankment from any point on the shore of Lake Scugog, not more than one hundred feet north of the present built and travelled bridge leading from the Village of Port Perry to Scugog Island, and at or south of or near to the said Village of Port Perry to the opposite shore on Scugog Island, in the Township of Scugog, and thence in an easterly or southerly direction across said island to, and into, the Township of Cartwright, in the County of Durham, and may also construct a similar embankment or solid roadway from some point on the shore of Lake Scugog, south or south-west of, and near to Cæsarea in the said Township of Cartwright to the opposite shore on Scugog Island aforesaid, and may drain all the part or portion of the said Lake Scugog and of the lands covered thereby and so to be cut off and lying to the south of, and within the said embankments or roadways, and all the lands so drained or reclaimed up to the present high water mark of that portion or part of the said Lake Scugog so cut off and lying south of and within the said roadways or embankments shall be vested in and belong to the said company, their successors and assigns in fee simple forever, subject, however, to the provisions and conditions of this Act in that behalf, and not until, and only when, all such provisions and conditions are and have been fully complied with by the said company.

20. The said roadways or embankments shall on the top thereof be of not less than sixteen feet in width, and so made that waggons and other vehicles may pass each other thereon with ease and in safety, and shall, when finished, become and be free public highways, without toll, as absolutely to all intents and purposes as any other highway, and the said embankments shall at all times be maintained and kept up at said width by the said company, but the said company shall not after the first construction thereof, be liable to repair or maintain that portion of the top or face of the said embankments which may or shall be used as a road or highway. Conditions as to roads.

21. Subject to the provisions of this Act the said company shall have liberty to cut and maintain a drain of sufficient width and depth for the purpose of turning into the said lake north of the said roadways or embankments, any creek or rain fall flowing into or towards the lands so as aforesaid lying south of and within the said embankments: said drain to commence at a point north of the said roadway or embankment on the Port Perry side of said Lake Scugog, and to be carried round the shore of that portion of the said lake so to be drained as aforesaid to some point north of the said roadway or embankment on the Cartwright side of the said lake, and to enter upon and take all necessary lands for such purpose. Drain to lake.

22. It shall be lawful for any municipality which may be interested in securing the draining or reclaiming of the said lands, or in which or near to which such lands are situate, to aid and assist the said company in the draining and reclaiming of said lands, by loaning or giving money by way of bonus or other manner to the said company, or issuing municipal bonds to or in aid of such company, and otherwise in such manner and to such extent as such municipality shall think expedient: Provided always, that no such loan, aid, bonus or guarantee shall be given, except after the passing of by-laws for that purpose, and the adoption thereof and assent thereto by the ratepayers, as provided in the Municipal Act for any by-law creating a debt and requiring the assent of the electors thereto. Aid from Municipalities.
Proviso.

23. Any such by-law within the meaning of the preceding section shall not be submitted or passed by any council under the terms of said preceding section unless Petitions for by-laws.

1. In the case of a county municipality on a petition of a majority of the reeves and deputy reeves or of one hundred resident freeholders of said county who may be duly qualified under the Municipal Act to vote upon any such by-law ;

2. In the case of any other municipality on the petition of not less than fifty resident freeholders of said municipality who

who are duly qualified to vote upon any such by-law as aforesaid.

Exemption of
lands from
taxation.

24. It shall be further lawful for the corporation of any municipality in which any of the said lands so to be reclaimed lie, by by-law especially passed for that purpose, to exempt such of the said lands as are within such municipality either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, but not exceeding twenty-one years.

Issue of de-
bentures.

25. The said company shall have power and authority to issue debentures to an amount not exceeding one hundred thousand dollars, which debentures shall be a first charge on the said lands after and so soon as the same shall have become vested in and belong to said company under the provisions of this Act, and after and subject to all other charges and incumbrances then being or existing thereon, and the said debentures may be made payable at any period, not exceeding twenty years, and may bear any rate of interest therein expressed.

Commence-
ment and com-
pletion of
works.

26. Unless the works to be carried on under this Act shall be commenced within two years and fully completed within five years from and after the passing of this Act, then the charter and powers hereby granted and created shall be forfeited and void.

Gravel

27. The said company shall have the right to search for, and take such gravel, earth, stone or like material as shall be necessary for making and keeping in repair the said roadway or embankments and drains, and the right to search and take as aforesaid, as well as the price or damage to be paid to any persons for such materials shall, if not otherwise agreed on, be settled by arbitration in the same manner and by arbitrators to be chosen in the same way as provided for the arbitrations and arbitrators mentioned in sections twenty-eight, twenty-nine and thirty-one of this Act.

Plan of lands
to be drained
to be regis-
tered.

28. Before the said company shall exercise any of the rights conferred by this Act, except that of organizing, the said company shall cause a plan or map of the area of lands intended to be drained, or reclaimed, to be made with the lots and parcels of land intended to be taken, drained and reclaimed as aforesaid, or for any of the purposes authorized by this Act, properly numbered and described thereon, and shall file a copy of said map in the Registry office of the County of Ontario, and a copy thereof in the Registry office of the West Riding of the County of Durham, and shall contract and agree with the owner

owner or owners of such lands for the purchase thereof, and in case of disagreement in respect of the sum to be paid for the said lands the company shall serve upon the owner or or party interested in the said lands, or in the case of an incorporated company, upon the president or vice-president, secretary, or commissioner, or other officer thereof, a notice in writing signed by the president, vice-president or secretary, of the company hereby incorporated, specifying as fully as can reasonably be done the particular lands proposed to be appropriated, and naming a sum of money which the company offers and is ready to pay as compensation for the lands, and naming a person as arbitrator in case the sum offered is not accepted as compensation as aforesaid; and if the owner or party interested is unknown or if absent from the county in which the lands lie and his residence cannot be ascertained, then upon application to the judge of the county court of the said county, accompanied by an affidavit of some officer of the company and by such other proof as will satisfy said judge that the owner or party interested is unknown or is so absent, and that after diligent enquiry the party on whom the notice ought to be served, or his residence cannot be ascertained, the judge shall order a notice as aforesaid, to be inserted once in each week for four consecutive weeks in some newspaper published in the said county; and thereupon the owner or party interested shall within five days after being personally served with such notice or within six weeks after the last publication of such notice as the case may be, notify the company in writing that he accepts the compensation offered, in which case he shall at the expense of the company make a deed of conveyance to the company of the lands mentioned in the notice, or that he refuses the compensation offered, and that he has named an arbitrator, giving the name; and the two arbitrators so named shall within five days meet and name a third arbitrator, and the arbitrators so appointed shall within ten days inspect and take evidence if offered on the subject-matter in controversy and make their award in writing thereon, which being signed by two of them shall be final and binding on the parties to the said reference, subject however to be set aside or sent back for amendment as in the case of ordinary arbitrations; Provided always, that if the owner or party interested should not name an arbitrator as required by the provisions of this section, or should the said two arbitrators not agree upon a third arbitrator, or should the said three arbitrators, or a majority of them not make their award, according to and as required by the provisions of this section in that behalf, then in any of such cases or events it shall be lawful for the company on two days' notice to the said party interested or owner to apply to the judge of the County Court of the County where the lands lie, who shall thereupon appoint one person as sole arbitrator, whose award of and concerning the premises shall be final and conclusive, subject, however, to be set aside or remitted back to the said arbitrator to be amended as in ordinary cases of arbitration.

Arbitration
between Com-
pany and
land owners.

Proviso.

Rights of
Company af-
ter award.

Registration
of award.

Issue of paid
up stock in
payment of
property taken

Costs of Arbi-
tration.

Possession of
lands by the
Company.

29. After award made as in the last preceding section provided, and after tender or payment by the company of the amount awarded, if any, it shall be lawful for the company to take possession of the said lands in like manner as if a conveyance thereof to the said company had been made and executed; and the company may register the said award in the registry office of the registration division in which the said lands are situate, and pay the amount awarded into one of the Superior Courts in Ontario, and file therein a copy of the said award which shall operate as a conveyance to the company of the lands to which the said award relates.

30. The directors shall have power to issue paid up stock in the said company in payment of the prices of real estate or of personal property required for the purposes of the said company, or for the purposes of this Act, and such paid up stock shall be free from all calls whatsoever and from all claims and demands of the said company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said company and paid by the holders thereof in full.

31. In all cases of arbitration if the sum awarded exceeds the amount offered by the company in the notice in the twenty-eighth section of this Act mentioned, the company shall pay the costs of the arbitration and award; if equal to or less than the amount awarded, the owner or owners shall pay the costs of the arbitration and award which may be deducted from the consideration, and in either case the costs shall, on notice, be taxed by the judge of the County Court of the County where the lands lie.

32. No land or other property shall under this Act vest in or belong to the said company, or become its property, nor shall the said company become entitled to the possession thereof unless and until the compensation therefor or the price thereof and all costs payable by the company in the ascertaining or settling said compensation or price, shall first have been ascertained and settled under and in the manner provided in that behalf by sections twenty-eight, twenty-nine and thirty-one of this Act, and shall have actually been paid, and satisfied, either to the person entitled thereto or in such other manner as is by this Act provided.

CHAPTER 50.

An Act respecting certain dams on Beaver Creek and other streams in the Counties of Hastings and Addington.

[Assented to 11th March, 1879.]

WHEREAS by the petitions of Allan Gilmour and of H. B. Rathbun and Edward W. Rathbun, under the name, style, and firm of H. B. Rathbun and Son, the said Allan Gilmour has represented that he is the owner of lot number ten, in the sixth concession of the Township of Anglesea, in the County of Addington ; also of lot nine in the sixteenth concession of said Township of Anglesea ; also of lot ten in the fourteenth concession of the said Township of Anglesea ; also of lot nine in the second concession of the Township of Limerick, in the County of Hastings ; also of the east half of lot number fifteen, in the tenth concession of the Township of Lake, in the County of Hastings ; also of lot number thirty-two, in the seventeenth concession of the Township of Anglesea aforesaid ; and whereas, by the said petition, the said firm of H. B. Rathbun and Son have represented that they are the owners of lot number twenty-nine, in the eighth concession of the said Township of Anglesea, and of that part of lot number seventy, on the east side of the Hastings Road, in the Township of Tudor, in the said County of Hastings, covered and affected by the dam thereon constructed, and known as Jelly's Dam ; that, for the purpose of floating logs and timber down the rivers and waters above mentioned, and their branches, which respectively pass over the said lands to the mills of the said Allan Gilmour, in the Village of Trenton, in the County of Hastings, and to the mills belonging to the said firm of H. B. Rathbun and Son, in the Village of Mill Point, in the said County of Hastings, from their several limits and lands in Ontario, they, the said Allan Gilmour and the said Rathbun and Son, have been obliged to erect and maintain, upon their said lands and on the lands aforesaid, across the said streams and waters, certain dams, which have facilitated, and do facilitate, their getting their logs down the said streams and waters, saving great expense, and also making said streams and waters more navigable for logs and timber than they otherwise would have been ; and whereas the said Allan Gilmour and the said Rathbun and Son have, in their petition, prayed that they may be authorized to keep and maintain the said dams for the purposes aforesaid ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

A. Gilmour to have the right to maintain dams.

Proviso.

1. The said Allan Gilmour, his heirs and assigns, shall as to lot number ten, in the sixth concession of the Township of Anglesea, in the County of Addington; lot number nine in the sixteenth concession of the said Township of Anglesea; also lot number ten in the fourteenth concession of the said Township of Anglesea; also lot number nine in the second concession of the Township of Limerick, in the County of Hastings; also the east half of lot number fifteen in the tenth concession of the Township of Lake, in the County of Hastings; and also lot number thirty-two in the seventeenth concession of the Township of Anglesea aforesaid, have the right to keep and maintain the said dams on the said lots respectively, situate across the said streams, for the purpose of raising and keeping up the waters of the said streams: Provided also that each of the said dams shall be provided with a slide, and the appliances now required by law in the case of mill dams on streams used for the purpose of floating down logs and timber.

H. B. Rathbun & Son to have the right to maintain dams.

Proviso.

2. The said H. B. Rathbun and Son, their heirs, and assigns, shall as to lot number twenty-nine in the eighth concession of the said Township of Anglesea, and that part of lot number seventy, on the east side of the Hastings Road, in the Township of Tudor, in the said County of Hastings, covered and affected by the dam thereon constructed, and known as Jelly's Dam, have the right to keep and maintain the said dams on the said lots respectively, situate across the said streams, for the purpose of raising and keeping up the waters of said streams: Provided also that each of the said dams shall be provided with a slide, and the appliances now required by law in the case of mill dams on streams used for the purpose of floating down logs and timber.

Compensation to owners of lands flooded.

3. For all lands flooded by reason of the said dams, or which, by reason of the letting out of the waters from the said dams for the purpose of carrying down the timber at any season of the year, are partially flooded, and which said lands have been patented, sold, located or agreed to be sold by the Crown, the said Allan Gilmour, or his heirs, executors or assigns, shall, as to dams situate on the land in the first section mentioned, and the said H. B. Rathbun and Son, or their heirs, executors or assigns, shall, as to dams situate on the lands in the second section mentioned, to the owners, tenants and lawful occupiers thereof, make compensation for the injury done to such lands, if any, such compensation to be ascertained as hereinafter provided; but in cases where the patents hereafter to be issued provide that no compensation be made to purchasers, the patentee shall have no claim on said parties owning said dams, or any of them, their heirs, executors, or assigns.

No compensation for flooded lands vested in the Crown.

4. In respect of lands now vested in the Crown, and unsold or located, the said Allan Gilmour, his heirs, executors and assigns, and the said H. B. Rathbun and Son, their heirs, executors,

executors, and assigns, shall not be liable to any purchaser of the said lands for any damage caused by their said respective dams, or any of them, while maintained at a height not exceeding the present height of said dams respectively.

5. In respect of the lands mentioned in the third section of this Act, the compensation to be made for the lands flooded and injured may be agreed upon between the respective owners of the said dams and the respective owners of the lands so injured, in such manner and on such terms as the parties may agree upon; and in case of disagreement, then the proceedings to ascertain and fix the said compensation shall be as nearly as may be the same as are pointed out and provided in sections seventeen to twenty-eight, both included, of chapter one hundred and fifty-two of the Revised Statutes of Ontario.

Mode of determining compensation.

6. In any notice of arbitration to be given under the next preceding clause, there shall be inserted a general description of the land affected, and the damage to be arbitrated for and upon; and the said notice shall also name a sum which shall be offered as compensation for the said damages; and if the sum awarded is equal to or less than the sum offered, the said owner, tenant or occupant shall pay all the costs of the arbitration and award, and the same may be deducted from the amount of the said award.

Particulars to be set out in notice of arbitration.

Costs.

7. The owners of the said dams may register any such awards in the office of the registrar for said county, and the production of a certified copy thereof shall, in all courts, be taken as *prima facie* evidence of the said award, and of the facts stated therein.

Registration of awards.

Evidence.

8. No such dams shall be maintained, and no powers hereby given shall be exercised in such a manner as to injure any millowner or manufacturer in respect of any mill manufactory lawfully existing either above or below any such dam and using the said streams as a water power, Provided, however, that all Statutory rights, if any, acquired under the Statute of limitations or otherwise against any such manufacturer or millowner to use the said waters, shall not be prejudiced, interfered with or taken away by anything in this Act contained: Provided always that any powers or rights conferred by this Act shall be subject to and not interfere with the powers vested in the Commissioner of Public Works, under chapter thirty of the Revised Statutes of Ontario, and shall also be subject to sections nine, ten, eleven and twelve of chapter one hundred and thirteen of said Revised Statutes of Ontario:

Rights of mill-owners, &c., preserved.

Proviso.

Provided moreover that the Lieutenant-Governor in Council may, whenever it is deemed expedient, in the public interest, cause said dams, or any of them, to be taken down and removed.

Proviso.

CHAPTER 51.

An Act respecting the Walkerton School Lands.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS by deed bearing date the ninth day of December, in the year of our Lord one thousand eight hundred and sixty-nine, the following mentioned lands, that is to say the south half of park lot number one, east of Colborne Street, park lot number two on the east side of said street, both west of Victoria Street in the Town of Walkerton, were conveyed by George Jackson, Esquire (his wife joining therein to bar her dower), to Her Majesty, in trust for the purpose of a public reserve for agricultural and militia purposes and for the use of the public generally as a pleasure ground and public park; and whereas all parties interested in said lands for agricultural purposes have released their rights thereto and conveyed any interest they had in said lands for such purposes as follows, that is to say: the south half of said park lot number one to the Walkerton High School Board and their successors and assigns for a site for a high school and a playground, and said park lot number two to the Public School Board of the Town of Walkerton, in the County of Bruce, their successors and assigns for a public school site and a play ground; and whereas the Corporation of said Town of Walkerton and said school boards have petitioned and prayed that Her Majesty would release and convey Her Majesty's interest in said lands to said respective school boards; and whereas said George Jackson. has consented and agreed that said trusts may be so varied; and whereas Her Majesty by and through the Government of Canada has agreed to release and convey to said respective boards Her Majesty's interest under said deed in said respective parcels of land, on condition that the Corporation of the said Town of Walkerton grant to Her Majesty, in trust, similar rights for militia purposes in the following mentioned lands in said Town of Walkerton, that is to say: lots numbers seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five and seventy-six, north of Wellington Street and east of Jackson Street; lots numbers seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, and eighty-two, north of Wellington Street and west of Jackson Street; lots numbers eighty-three, eighty-four, eighty-five, eighty-six and eighty-seven, south of North Street and west of Jackson Street; lots numbers eighty-eight, eighty-nine, ninety, ninety-one, and ninety-two, south of North Street and east of Jackson Street; and lots numbers ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, and ninety-eight, north of North Street; and whereas said Corporation of said Town of Walkerton have agreed to grant to Her

Her Majesty, in trust, such similar rights over said last hereinbefore mentioned lands and have also agreed to convey all the rights and interests held by them in said first mentioned lands under said deed from said George Jackson to said respective school boards for educational purposes as herein-after mentioned; and whereas the said Corporation of the Town of Walkerton and the said school boards have prayed for an Act authorizing them to carry out said arrangements and whereas the sanction of the Legislature of the Province of Ontario is necessary to authorize the carrying out of the same and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Corporation of the Town of Walkerton is hereby authorized and empowered to convey by deed under the seal of said corporation all the rights and interests of said town in the south half of said park lot number one east of Colborne Street and west of Victoria Street in said town to the Walkerton High School Board, their successors and assigns for a high school site and a play-ground, and all the rights and interests of said town in said park lot number two, east of Colborne Street and west of Victoria Street in said town to the Public School Board of the Town of Walkerton, in the County of Bruce, and their successors and assigns for a site for a public school and a play-ground.

Corporation of
Walkerton
authorized to
convey certain
lands.

2. The said corporation of said town is hereby authorized and empowered to convey to Her Majesty, in respect of the following mentioned lands, that is to say: lots numbers seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, and seventy-six, north of Wellington Street and east of Jackson Street, lots numbers seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, and eighty-two, north of Wellington Street and west of Jackson Street; lots numbers eighty-three, eighty-four, eighty-five, eighty-six, and eighty-seven, south of North Street and west of Jackson Street; lots numbers eighty-eight, eighty-nine, ninety, ninety-one, and ninety-two, south of North Street and east of Jackson Street; and lots numbers ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, and ninety-eight, north of North Street, all in the Town of Walkerton, rights similar to those possessed by Her Majesty in trust, under said deed from said George Jackson in respect of the lands mentioned in said deed.

Corporation of
Walkerton
authorized to
convey to the
Crown rights
in certain
lands.

CHAPTER 52.

An Act for the relief of the Barton and Glanford Road Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Barton and Glanford Road Company, a company formed, under The General Road Companies' Act, for constructing a macadamized road from the limits of the City of Hamilton, southerly through the Township of Barton, into the Township of Glanford, the distance of five miles, have recently discovered that their line of road is fifty-five yards short of the distance required by their instrument of incorporation; and whereas the time limited by section seventy-eight of the said Act, for completing the said road, had expired before such error was ascertained; and whereas the said road company have petitioned that an Act may be passed granting further time for completing their said road: and whereas it has been mutually agreed between the said company and the Corporation of the Township of Glanford, that the said company shall extend their road to the Village of Mount Hope, and that such agreement so entered into between them, may be confirmed and be declared to be binding on the said corporation and company respectively: and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time extended.

1. The period within which the said road company may complete their said macadamized road shall be and the same is hereby extended until the first day of June next, anything in "the General Road Companies' Act" to the contrary notwithstanding.

Agreement confirmed.

2. The said agreement which is set forth in the Schedule to this Act is hereby confirmed, and declared to be legal and valid to all intents and for all purposes, and to be binding on the said company and the said Corporation of the Township of Glanford, respectively.

 SCHEDULE.

This agreement made and entered into this nineteenth day of February, in the year of our Lord one thousand eight hundred and seventy-nine:—

Between The Corporation of the Township of Glanford hereinafter called "the corporation" of the first part and the
company

company known as the "Barton and Glanford Road Company," hereinafter called "the company" of the second part;

Whereas the said parties of the second part were duly incorporated under the provisions of a certain Act of the Parliament of Canada intituled "An Act respecting Joint Stock Companies for the Construction of Roads and other works in Upper Canada," and have constructed a macadamized road on and over a portion of the route of the old "Hamilton and Port Dover Plank and Macadamized Road," the southern terminus of such constructed portion of road being at the front of the third concession of the Township of Glanford;

And whereas the said company are desirous of extending their said road to the Village of Mount Hope, at the rear of the fourth concession of the said Township of Glanford, and the said corporation is willing to agree to such extension by the said company subject to the conditions, agreements and provisoes herein contained;

Now this agreement witnesseth that in consideration of the premises, the said corporation and the said company mutually agree with each other in manner following, that is to say:—

The said company agree to construct the said extension of road, and build and complete the same in accordance with the requirements of the statutes in that behalf by the first day of August, one thousand eight hundred and eighty:

Provided that in the event of there not being reasonably good sleighing during the winter of 1879–80, then the time for completing the said road shall be extended to the first day of August, one thousand eight hundred and eighty-one;

The said corporation consents and agrees that the said company shall have their corporate powers in the road completed by them confirmed by an Act of the Legislature, without opposition on the part of the said corporation on the express condition (to be embodied in the said Act) that the said company shall complete the said extension within the time limited by this agreement, and in the event of non-completion thereof by the said company within the time limited as aforesaid, the said company shall forfeit absolutely all the corporate or other powers which they may have acquired in that portion of the said road and extension thereof within the Township of Glanford;

Provided always that the said corporation shall reserve and retain control of any portion of the said road which the Municipal Council of the said Township of Glanford has already or may hereafter by By-law set apart for the purposes of sidewalks or footpaths, such portions so set apart or to be set apart not to exceed eight feet in width on each side of the allowance for said road;

The said corporation and the said company mutually agree that the provisions of this agreement may be embodied in, and form a part of the Bill now before the Legislature of Ontario, intituled "An Act for the relief of the Barton and Glanford Road Company;"

In

In witness whereof the Reeve of the said Municipality, and the President of the said company have hereunto subscribed their names and affixed the seals of their respective corporations.

WILLIAM CALDER, [L.S.]
Reeve of Glanford.

A. E. CARPENTER, [L.S.]
President of the Road Co.

CHAPTER 53.

An Act respecting the Belleville and North Hastings Railway Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Belleville and North Hastings Railway Company have, by their petition, shown that the line of their railway has been completed and is in running order from its point of commencement at the Grand Junction Railway to the Moor Mine in the Township of Madoc, and doubts have arisen as to whether the provisions of the by-laws passed by the Township of Madoc and by the County of Hastings, and of the Acts relating thereto and to the said company have been strictly complied with as to the time of completion of the said railway, and it is expedient to remove such doubts and to declare such by-laws valid and binding; and whereas it is also expedient to give to the said company power to amalgamate with the Grand Junction Railway Company, and otherwise to amend the Acts relating to the said company;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws of
 Township of
 Madoc and
 County of
 Hastings,
 declared
 valid.

1. For and notwithstanding any thing contained in any of the Acts of the Parliament of Ontario relating to the said the Belleville and North Hastings Railway Company and the by-laws in aid thereof passed by the Corporations, of the Township of Madoc and the County of Hastings respectively, the said by-laws are hereby declared valid and binding and the respective bonuses thereby granted to the said company are hereby declared to be payable to the amounts and according to the terms in the said by-laws contained, and the reeve of the said township, and the warden of the said county, and the other officers of the said corporations are hereby authorized and empowered to make and deliver to the trustees for the municipal debentures appointed under the provisions of the Act incorporating the said company, the debentures for the amount of such bonuses respectively; Provided that in substitution for the bonus of thirty thousand

thousand dollars and all interest thereon pursuant to said by-law of the Township of Madoc, debentures of the said township shall be issued in lieu thereof to the amount of thirty-seven thousand two hundred dollars bearing date the fifteenth day of October, one thousand eight hundred and seventy-eight and payable in twenty years from that date, with interest payable annually in the mean time at the rate of six per cent. per annum on the fifteenth day of October in each year at the office of the Bank of Montreal, in the City of Belleville; and the Reeve of the said township is hereby authorized to make and deliver said debentures with coupons attached, to the trustees aforesaid. Proviso.

2. The said railway company is hereby authorized and empowered to enter into an agreement for the amalgamation of the said company with the Grand Junction Railway Company, or any other Railway Company, or for selling, transferring or leasing its line of railway or any part thereof to any such company together with the property, privileges and franchises belonging to it or to such part of its line as may be so sold, transferred or leased on such terms and conditions as may be defined by the agreement under the seal of the said companies entering into such agreement, which shall be ratified and approved of by a majority of the stockholders present or represented at a general meeting called for the purpose of considering such agreement, which shall be valid and binding on the several companies entering into the same after such ratification and approval. Amalgamation with or sale or lease to Grand Junction Railway authorized.

CHAPTER 54.

An Act to amend the Acts relating to the Brantford,
Norfolk and Port Burwell Railway Company.

[Assented to 11th March, 1879.]

WHEREAS the Brantford, Norfolk and Port Burwell Railway Company has, by its petition, represented that it has completed thirty-five miles of its railway, from the City of Brantford to a point in the Township of Middleton, and that by-laws for the granting of bonuses to aid the company in the further construction of its railway to or near to Port Burwell have been passed by municipalities through and adjacent to which the said line of railway to, or near to, Port Burwell would run; and has prayed that an Act may be passed extending the time for completion of its railway and branches, and for other purposes; and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the advice and consent
of

of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time ex-
tended.

By-laws grant-
ing aid to be
valid.

1. The time for the completion of the railway, and the branches and extension thereof, authorized by the Acts incorporating and relating to the Norfolk Railway Company, and by the Acts incorporating and relating to the Brantford, Norfolk, and Port Burwell Railway Company is hereby extended for the period of two years from the passing of this Act; and the by-laws of the municipalities of the Village of Vienna, the Township of Houghton, and the Township of Bayham referred to in the thirteenth section of the Act of the Ontario Legislature, passed in the thirty-seventh year of the reign of Her Majesty and chaptered fifty-three, shall continue, have effect, and be acted upon, as if the said extended period for the completion of the railway and works had been originally allowed by the Acts incorporating the Norfolk Railway Company, and by the other Acts aforesaid; and notwithstanding any lapse of time limited by the by-law of the municipality of the County of Elgin, granting sixteen thousand dollars in aid of the said railway, the said by-law shall continue, and the same is hereby continued in force and it is hereby declared to be a good, valid, and existing by-law, and the debentures issued or to be issued thereunder shall be taken and held to be good and valid debentures; and in the event of the portion of said railway between the Town of Tilsonburg and the harbour of Port Burwell being completed on or before the thirty-first day of December, one thousand eight hundred and seventy-nine, or within any further periods which the Corporation of the County of Elgin may under its seal allow for such completion, the said debentures shall be delivered to the Brantford, Norfolk, and Port Burwell Railway Company in all respects as if the said portion of the railway had been completed within the time limited by the said by-law; but failing such completion within such extended period or periods the said debentures shall be cancelled and destroyed instead of being delivered to the said railway company.

By-law of Til-
sonburg de-
clared valid.

2. The by-law of the municipality of the Town of Tilsonburg granting three thousand dollars in aid of the said railway, and taking effect on the thirty-first day of December, one thousand eight hundred and seventy-eight, is hereby declared to be a good and valid by-law, and the debentures issued or to be issued thereunder shall be taken and held to be good and valid debentures.

Cancellation
of interest ac-
crued upon
debentures.

3. The interest which has heretofore accrued upon the bonus or debentures under the by-law of the Township of Bayham for thirty thousand dollars, and under the by-law of the Village of Vienna for four thousand dollars, and under the by-law of the Township of Houghton for ten thousand dollars, is hereby cancelled, and all further interest which shall accrue due

due on the said respective sums before the time when under the respective by-laws the Company shall be entitled to demand any part of the bonus under the by-law, shall also be cancelled.

CHAPTER 55.

An Act respecting an agreement entered into between the City of Brantford and the Grand Trunk Railway Company.

[Assented to 11th March, 1879.]

WHEREAS the Corporation of the City of Brantford and the Grand Trunk Railway Company of Canada did enter into a certain agreement, which is set out in the Schedule to this Act at length; And whereas the said company have petitioned that the said agreement may be legalized and confirmed, and whereas it is expedient that the prayer of the said petition should be granted; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So far as it is within the jurisdiction of the Legislature of the Province of Ontario, the said agreement in the Schedule to this Act set out is hereby legalized and confirmed and made binding, as fully as if the power to make the same had existed before the making thereof, and the said streets mentioned in said agreement, and therein agreed to be closed, shall be so closed as public streets, and those which are therein declared to be public streets shall be public streets accordingly, provided always that the said agreement and this act shall not apply to any street or streets west of the said Company's station in the city of Brantford. Agreement confirmed.
Proviso.

2. Notwithstanding anything to the contrary in the said agreement mentioned, the time for making the crossing or tunnel in Rawdon Street in said agreement mentioned is hereby extended to the thirty-first day of December one thousand eight hundred and seventy-nine, and the said agreement shall be taken and read as if said date were the date inserted therein for the completion of said work. Time for making Rawdon Street crossing extended.

SCHEDULE IN THE ABOVE ACT REFERRED TO.

This agreement, made this first day of July, in the year of our Lord 1874:

By

By and between the Grand Trunk Railway Company of Canada of the first part and the Corporation of the Town of Brantford of the second part.

Whereas there is now pending in the Court of Chancery, in the Province of Ontario, a certain information by Her Majesty's Attorney-General for the Province of Ontario, on behalf and at the instance of the said Corporation of the Town of Brantford, against the said The Grand Trunk Railway Company of Canada, which said information is intended to compel the said The Grand Trunk Railway Company of Canada to put in certain crossings of their railway of certain streets in the said information mentioned and specified, which the said company contend they are not in law or otherwise obliged to put in;

And whereas for the purpose of compromising the said suit and setting at rest all questions respecting any and all the matters contained and mentioned in the said information, and also for determining what streets shall and what streets shall not be opened, under or across the said company's railway, in the Town of Brantford, which are now unopened, either under, over, or across the said company's railway in said town, it has been agreed, by and between the parties hereto, that the company shall open Clarence Street in said town, under their railway, by a crossing with stone abutments, which, as to height, shall be in accordance with the Railway Act, 1868. The width of said crossing or tunnel between the walls to be at least twenty-five feet. This under-crossing to be completed during the year one thousand eight hundred and seventy-four absolutely and at all events, notwithstanding anything herein contained to the contrary.

The said company also to open the said Rawdon Street in said information mentioned, under said railway, on the line of said street, in the same manner and same width as in the case of Clarence Street, said crossing or tunnel to be completed at or before the close of the year one thousand eight hundred and seventy-eight.

That the said work shall be done by the company at their own cost.

That the parties to this agreement shall join in an application to the Legislature of the Province of Ontario for an Act to legalize and confirm this agreement and to authorize the closing up of all the other streets in said information claimed as streets which the Crown or the corporation or any person or persons have now the right to require the said company to carry over, under, or on the level across their railway, and not now opened, and to finally close the same, in so far as the crossing in any of the manners aforesaid of the said railway is concerned, the fees on passing the Act by the Legislature, payable by the rules of the House of Assembly, to be paid by the Company.

The cost of advertising in the local paper, and the costs of the *Gazette* to be paid by the company. The Bill to be prepared

pared by the company, and each party shall use their best endeavours to have the said Act passed and become law.

And whereas the said parties desire to give effect to the said proposed arrangement,

Therefore this agreement witnesseth that the said parties have agreed, and they each do agree with the other, in the manner above mentioned, and they each covenant with the other to abide by, fulfil and keep the same agreement in all respects faithfully, and according to the spirit, true intents and meaning of the said above mentioned arrangement.

That if the Legislature of the Province of Ontario, or the Parliament of Canada, in case jurisdiction lies therewith, fail to pass the said Act, then the above parties shall, as regards the merits of said suit or information, be remitted to their former position, and nothing done under this agreement shall be used to the prejudice of either party, and both parties shall stand in the same position as if this agreement had not been made, and no act had been done under it. The whole agreement and any work done are to be without prejudice to said suit now pending as aforesaid, but in any case the crossing at Clarence Street shall be at once proceeded with, and be completed during the present year.

That the said suit in Chancery shall stand until said work is done, and upon its being done, then it is to be taken as released, and the information shall be dismissed without costs, and each party shall pay their own costs of said suit.

The company agree and consent that the said Local Legislature, in the said Bill, shall declare that said streets so to be opened are and were public streets, and as such entitled to be opened in the manner above proposed; and further, that if they fail to carry out this agreement, they will consent to the passing of an Act by the Parliament of the Dominion of Canada, confirming and making binding on them this agreement, if the said corporation think or are advised that such an Act is necessary, and they will bear all costs of getting said Act.

In witness whereof the said parties have hereunto set their corporate seals, on the day and year first above written.

(Signed.)

W. MATHEWS,
Mayor.

[Seal.]

(Signed.)

J. HICKSON,
Sec'y and Treas'r Grand Trunk Railway of Canada.

[Seal.]

CHAPTER 56.

An Act respecting the Georgian Bay and Wellington Railway Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Georgian Bay and Wellington Railway Company have petitioned that an Act may be passed to amend the Act of incorporation of the said railway company, passed in the forty-first year of Her Majesty's reign, and chaptered forty-seven, and to confirm certain by-laws granting aid to the said company, and for other purposes, and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

S. 1 of 41
Vic. c. 47
amended.

1. Section one of the said Act is hereby amended by striking out the words " Wellington and Georgian Bay " in the last line thereof, and substituting therefor the words " Georgian Bay and Wellington," and the said section shall be read as if the same had been originally passed as now amended, and it is declared that the corporate name of the same railway company is and has been since the passing of the said Act the Georgian Bay and Wellington Railway Company.

Counties authorized to take bonus debentures of villages, &c., in exchange for county debentures.

2. The corporation of any county municipality in which is situated a village, town or township or portion of a township which has given a bonus to the said company shall be at liberty to take the debentures issued by such village, town or township, and in exchange therefor to hand over to the trustees under the said Act debentures of the said county municipality to the same amount, on a resolution of the county council to that effect, and such county debentures are hereby declared to be binding on the said county.

Company authorized to deposit plans and book of reference for sections of not less than five miles.

3. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clause of the Railway Act of Ontario, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway,

railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with the Act incorporating the said railway company and the amendments thereto, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to plans and surveys.

4. The by-laws heretofore passed by the municipal councils of the Towns of Palmerston, Durham and Owen Sound and the Village of Mount Forest and the Townships of Egremont, Glenelg, Bentinck, Sullivan and Derby, granting aid to the said company, and all debentures now issued or that may hereafter be issued under and in pursuance of the said by-laws are, and the same are hereby declared to be, legal, valid and binding upon the said corporations respectively, any law, custom or statute to the contrary notwithstanding, and notwithstanding any omission or defect in point of form or otherwise in said by-laws, or any of them, or in the passing thereof, or in the said debentures or any of them, or in the charter of the said company: Provided always that nothing in this section contained shall be construed to affect the application now pending in the Court of Queen's Bench (*James Gilchrist vs. The Municipal Council of Sullivan*), to quash the said by-law of the Township of Sullivan, and that this section shall only apply to such by-law for the purpose of declaring the same to be legal and valid in case the said Court should not quash the said by-law on the said application.

By-laws granting bonuses and debentures issued thereunder declared valid.

Proviso.

CHAPTER 57.

An Act respecting the Grand Junction Railway Company.

[Assented to 11th March, 1879.]

WHEREAS the Corporation of the City of Belleville Preamble. passed a by-law on the eleventh day of December, one thousand eight hundred and seventy-six, granting further aid by way of bonus to the extent of fifty thousand dollars to the Grand Junction Railway Company, on the conditions in

the said by-law contained ; and whereas the said corporation have, by a resolution passed on the fourth day of October, one thousand eight hundred and seventy-eight, extended the time for the fulfilment of the said conditions, and have otherwise varied the same ; and whereas the said company have, by their petition, prayed that the said resolution may be sanctioned and legalized, and that other amendments in the Acts relating to the said company may be made : and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Payment of
Belleville
bonus.

1. The said bonus of fifty thousand dollars granted to the said railway company by the Corporation of the City of Belleville shall be payable as follows : one half thereof on the completion of the line of the said railway to the water's edge at the Village of Hastings, and its equipment to that village in the manner and style provided for in the said by-law for the equipment of the said railway to the Town of Peterborough, and the other half of the said bonus upon the completion and equipment of the line to the Town of Peterborough ; Provided always that the said railway shall be completed to the Village of Hastings in the manner aforesaid by the first day of August, one thousand eight hundred and seventy-nine.

Proviso.

Time provided
in by-law
extended.

2. The time for the completion of the said railway to the Town of Peterborough as provided for by the said by-law, is hereby extended to the first day of January, one thousand eight hundred and eighty.

Power further
to extend
time.

3. The Corporation of the City of Belleville may, by by-law to be passed by the council thereof, extend the time for completion of the said railway to Hastings and Peterborough to such later date or dates as may be thought proper.

By-law con-
firmed.

4. The said by-law subject to the alterations herein provided for is hereby declared legal and valid.

Power to
amalgamate
with or ac-
quire other
lines.

5. The said railway company is hereby authorized and empowered to enter into an agreement for the amalgamation of the said company with the Belleville and North Hastings Railway Company, or for acquiring the line of railway or any part thereof of the said last mentioned company, or with any other railway company whose line may join or connect with the line of the said Grand Junction Railway Company, together with the property, privileges and franchises of such other company belonging to such part of its line as may be so acquired, on such terms and conditions as may be defined by the agreement under the seal of the said companies entering into such agreement, which shall be ratified and approved of by a majority in number and value of the stockholders including any municipalities

palities holding stock present or represented at a general meeting called for the purpose of considering such agreement, which shall be valid and binding on the several companies entering into the same after such ratification and approval.

6. The Corporations of the Village of Hastings and of the Townships of Percy and Asphodel are hereby authorized and empowered, by resolutions heretofore passed or to be passed by the respective councils of the said corporations, to make the several bonuses, granted by them respectively to the said railway company, payable when the said line is completed and in running order to the Village of Hastings.

Certain bonuses may be made payable when line completed to Hastings.

CHAPTER 58.

An Act to incorporate the Grey and Walkerton Railway Company.

[Assented to 11th March, 1879.]

WHEREAS the construction of a railway from a point on the line of the Toronto, Grey and Bruce Railway, near the Village of Flesherton, in the County of Grey, to a point in or near the Town of Walkerton, in the County of Bruce, has become desirable for the public convenience and accommodation of the inhabitants thereof; and whereas John W. Armstrong, Byron Ghent and others have petitioned that an Act may pass to construct the railway aforesaid; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. John W. Armstrong, Mathew Richardson, Robert Trimble, William Strain, all of the Village of Flesherton; Byron Ghent, M.D., Thomas Wood, both of the Village of Priceville, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the Grey and Walkerton Railway Company. Incorporation

2. The several clauses of the Railway Act of Ontario, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "presidents and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "working

Certain clauses of the Railway Act incorporated.

ing of the railway," "actions for indemnity and fines and penalties and their prosecution," and "general provisions," and also the several sections of the said Act, from thirty-seven to one hundred and three, both inclusive, shall be incorporated with and deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act of Ontario, so incorporated with this Act.

Location of line.

3. The said company shall have full power under this Act to construct a railway from any point on the line of the Toronto, Grey and Bruce Railway, near the Village of Flesherton, to a point in or near the Town of Walkerton, with full power to pass over any portion of the country between the points aforesaid.

Gauge.

4. The said railway may be constructed of any gauge.

Form of conveyances to company.

5. Conveyances of land to the said company for the purposes of, and powers given by this Act, made in the form set out in the schedule A, hereto annexed, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Law of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Provisional directors.

6. The said John W. Armstrong, Mathew Richardson, Robert Trimble, William Strain, Byron Ghent, M.D., and Thomas Wood, shall be provisional directors of the said company.

Powers of provisional directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein, to associate with themselves thereon, not more than three other persons, who, upon being so named, shall become and be provisional directors of the company, equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act, and any other law in force in Ontario, are vested in such boards.

8. The capital of the company, hereby incorporated, shall be Capital. one hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into one thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such moneys shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county, town, township or village on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

9. On the subscription for shares of the said capital stock, Ten per cent. to be paid on subscription. each subscriber shall, within three days thereafter, pay ten per centum of the amount subscribed by him into some chartered bank, to be designated by the directors, to the credit of the said company.

10. Thereafter calls may be made by the directors, for the Calls. time being, as they shall see fit; provided that no call shall be Proviso. made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days.

11. The said provisional directors, or the elected directors, Certain payments allowed in stock or bonds. may pay or agree to pay in paid-up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

12. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the City of Toronto, which shall on no account be withdrawn therefrom unless for the services of the company the directors shall call a general meeting of the Election of directors. subscribers

subscribers, to the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company.

1
Payment of
stock in full
allowed.

13. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Provision in
case provis-
ional directors
neglect to call
meeting.

14. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five hundred dollars of the capital stock, and who have paid up all calls thereon.

Notice of
meeting.

15. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette* and in one local newspaper, once in each week for the space of at least four weeks, and such meeting shall be held at the City of Toronto, at such place therein and on such day as may be named by such notice: at such general meeting, the subscribers for the capital stock assembled who shall have so paid ten per centum thereof with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meet-
ings.

16. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper, once in each week for four weeks.

Special meet-
ings.

17. Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company.

Voices.

18. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which

which such shareholder seeks to vote, shall have been paid at least one week before the day appointed for such meeting.

19. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon. Qualification of directors.

20. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the directors. Quorum.

21. And it shall further be lawful for any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate to aid and assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient; Provided always, that when the said bonds or debentures are granted by a portion of the township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for that purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts. Aid by municipalities. Proviso.

22. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act. Petition for by-law in counties.

23. In case fifty persons, at least, rated on the last revised assessment roll of any municipality, other than a county municipality, as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters, as aforesaid, in any portion of the said township municipality do petition the council of the said municipality to pass a by-law, in such petition defining the metes Petition for by-law in other municipalities.

metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such township municipality :

Provisions in
by-law.

1. For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition :

2. For assessing and levying upon all the ratable property lying within the section defined by the said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalment and interest, said interest to be payable yearly or half-yearly.

Council to
pass by-law if
carried.

24. And in case such by-law be approved or carried by the majority of the votes given thereon, then, within one month after the date of such voting the said council shall read the said by-law a third time and pass the same.

Issue of the
debentures.

25. And within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Provision
when bonus
granted by
part of muni-
cipality.

26. In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Municipal Act
to apply to
by-law.

27. The Provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent, as if the same had been passed by or for the whole municipality.

By-law valid
if annual rate
will not ex-
ceed three
cents in the
dollar.

28. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby shall be valid.

29. It shall further be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Exemption
from taxation.

30. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping, and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely : one to be appointed by the said company, and one by the majority of the reeves and deputy reeves of all the municipalities or portions granting bonuses prior to the first day of January next, and one to be named by the Lieutenant-Governor in Council ; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council.

Debentures to
be delivered to
trustees.

Proviso.

31. Any of the said trustees may be removed and a new trustee appointed in his place, at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

New trustees.

32. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Acts of two
trustees bind-
ing.

33. The said trustees shall receive the said debentures on trust ; firstly, under the instructions of the directors to convert the same into money ; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the Grey and Walkerton Railroad Company Municipal Trust Account, and to pay the same unto the company from time to time on the certificate of the chief engineer of the said company, in the form set out in the schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees.

Trusts on
which debentures
are to be
held.

County debentures may be given in exchange for those of townships.

34. Any county in which is or are situate a township or portion of a township that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or portion of a township, and in exchange therefor, to hand over to the trustees under this Act, the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Issue of bonds.

35. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from, time to time, for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking and the real property of the said company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking, and property of the company as aforesaid; and Provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting, as are attached to shareholders; Provided that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof; all such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Proviso

Proviso.

Negotiable instruments.

36. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president

dent or secretary and treasurer be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors, as herein provided and enacted; Provided however, Proviso. that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

37. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands, on which the same are situate, for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway; and all the provisions of the Railway Act of Ontario, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required. Acquiring stone, gravel, &c.

38. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and track over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway; Tracks to quarries, &c.

2. In estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Act respecting Railways shall not apply.

39. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, Power to acquire whole lots.
by

by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Snow fences.

40. The said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Rates for carriage of cordwood.

41. The said railway company shall at all times receive and carry cordwood, or any wood for fuel, at a rate not to exceed, for dry wood three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and a half cents per cord per mile from all stations under fifty miles in full car loads, and for green wood, at the rate of three cents per ton per mile.

Company to furnish facilities for traffic in cordwood.

42. The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

Dry wood defined.

43. Cordwood or wood for fuel, cut before the first day of March, in any year, shall be deemed for the purposes of this Act, dry wood by the first of October following, and not before.

Commencement and completion of railway.

44. The railway shall be commenced within three years, and completed within seven years, or else the charter shall be forfeited as regards so much of the railway not completed.

Power as to running arrangements.

45. The said company shall have power to make running arrangements with the Toronto, Grey and Bruce Railway Company, or any other Railway Company upon terms to be approved of by two-thirds of the shareholders present in person, or by proxy, at any special general meeting to be held for that purpose in accordance with this Act.

Power to sell or lease railway.

46. It shall be lawful for the said company to enter into an agreement with the Toronto, Grey and Bruce Railway Company or any other Railway Company for the ab-

lute

lute sale to the last named company or for the leasing to them of the said Grey and Walkerton Railway or any part thereof, or for the use thereof at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property, or either or both, or any part thereof, or for the conveyance and transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting, in person or by proxy at a special general meeting to be called in accordance with this Act, for that purpose; and every such agreement shall be valid and binding upon both companies, and shall be enforced by courts of law and equity according to the terms and tenor thereof, and the said Toronto, Grey and Bruce Railway Company or any other Railway Company accepting any conveyance or lease, in pursuance of any such agreement, shall have, and are hereby empowered to exercise all the rights and privileges conferred by this Act.

SCHEDULE "A."

(Section 5.)

Know all men by these presents, that I, (or we)

in consideration of _____ dollars
paid to me (or us) by the Grey and Walkerton Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we)

in consideration of _____ dollars
paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*,) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Grey and Walkerton Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I, (or we) the wife (or wives) of the said

do hereby bar

my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)
this _____ day of _____ one thousand eight
hundred and _____

Signed, sealed and delivered }
in the presence of }

[L.S.]

SCHEDULE "B."

(Section 33.)

CHIEF ENGINEER'S CERTIFICATE.

Grey and Walkerton Railroad Company's Office, "Engineer's
Department."

No.

187

Certificates to be attached to cheques drawn on the Grey and
Walkerton Railroad Company Municipal Trust Account
given under section of cap.
Victoria.

I,

Chief Engineer for the

Grey and Walkerton Railroad Company, do hereby certify that
the said company has fulfilled the terms and conditions neces-
sary to be fulfilled under the by-law number of the
of (or under the agreement
dated the day of
between the corporation of and the said
company) to entitle the said company to receive from the said
trust the sum of (here set out the terms and
conditions, if any, which have been fulfilled).

CHAPTER 59.

An Act to amend the Act incorporating the Hamilton
and Dundas Street Railway Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Hamilton and Dundas Street Railway
Company have prayed for certain amendments of
their charter, and for an extension of the powers conferred
upon them thereby, and whereas it is expedient to grant the
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

Issue of bonds
regulated.

1. The present issue of the bonds of the said company, bear-
ing date the fifth day of September, one thousand eight
hundred and seventy-eight, and secured by mortgage regis-
tered in the registry office of the County of Wentworth,
dated the fifth day of September, one thousand eight
hundred and seventy-eight, and numbered two thousand
eight

eight hundred and eighty-four in the books of the registry office for the Township of Ancaster, and securing a total amount of twenty-five thousand dollars and interest, together with any further issue of bonds to the extent, and issued in the manner, hereinafter set forth, shall be taken and considered to be the first and preferential claim and charge upon the undertaking and the real property of the company, including its rolling stock and equipments, then existing, and at any time thereafter acquired, subject always to the lien of any unpaid vendor in respect of any of said property, and each holder of the said bonds so issued, and to be issued, as hereinafter provided, shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid: Provided that the further issue of bonds shall be limited to an amount not exceeding any further subscription of capital stock *bona fide* subscribed for and paid in to the funds of the said company, and the amount of any municipal or other bonus or gift towards the completion or extension of the said undertaking; and provided that such further issue of bonds shall not exceed in the whole the sum of twenty-five thousand dollars, and the issue thereof shall from time to time be authorized by a resolution, to be passed at a meeting of the shareholders of the said company; and provided that the rate of interest upon the said further issue of bonds shall not exceed the rate of eight per cent. per annum. Proviso.

2. The capital stock of the said company may be increased to the sum of fifty thousand dollars; the additional stock hereby authorized is to be issued as and when, and at the rates, the directors of the said company may decide upon. Power to increase stock.

3. Section seven of the Act passed in the thirty-ninth year of the reign of Her Majesty Queen Victoria, chaptered eighty-seven, incorporating the said company, is hereby amended by inserting the words "Hamilton and Dundas" immediately after the words "West Flamborough," in the eleventh line of the said section. 39 Vic., c. 87
s. 7 amended.

4. The agreement made between the said company and the Corporation of the Town of Dundas, bearing date the fifth day of November, one thousand eight hundred and seventy-seven, is hereby declared to be legal and binding, and within the powers of the said company and the said corporation, and the change in the course of the stream known as "Morden's" or "The Dundas Creek," referred to in the said agreement, is hereby confirmed and legalized. Agreement between company and Corporation of Dundas legalized.

5. The said company are hereby authorized to occupy for the channel of the said stream and for the purposes of their railway the easterly and unopened portion of the allowance for road between the Townships of West Flamborough and Ancaster, Power to use certain road allowance.

ter, known as the Governor's Road, as far as the same is now located or used for the said purposes, without prejudice to the claims of any person for compensation in respect thereof.

CHAPTER 60.

An Act relating to the Hamilton and North Western Railway Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS under the provisions contained in the Act passed in the forty-first year of Her Majesty's reign, chaptered forty-eight, the Hamilton and North Western Railway Company did, within the period of one year from the passing of that Act, decide upon the issue of the bonds authorized by the first and third sections of that Act and did pass a by-law for the issue of the bonds for five hundred and fifty thousand pounds sterling money of Great Britain, authorized by such first section, and did publish notice thereof as required by the fourth section of that Act, but only four thousand five hundred of such bonds numbered from one to four thousand five hundred both inclusive and amounting to four hundred and fifty thousand pounds sterling have been duly issued, and the rest remain unissued; And whereas no by-law has yet been passed for the issue of the bonds authorized by such third section, nor have such bonds or any of them been issued; and whereas the said company have now completed the whole of the Collingwood section of their railway; and whereas the shareholders at a meeting duly called, and held on the twentieth day of January one thousand eight hundred and seventy-nine, adopted a basis of settlement of all matters connected with the construction of the said railway under the contracts in that behalf entered into between the company and the contractors, bearing date respectively the twenty-seventh November, one thousand eight hundred and seventy-five, and eleventh February, one thousand eight hundred and seventy-six, and the terms of such settlement are embodied in an agreement dated the twentieth day of January, one thousand eight hundred and seventy-nine, between the company and the contractors, and it is thereby among other things provided and agreed that preference stock of the said company of the amount of one hundred and seventy thousand pounds sterling upon the issue thereof being authorized should be issued in lieu of one hundred thousand pounds sterling of the company's bonds, being the bonds authorized under the first section of the said Act which remain unissued as aforesaid to the amount of one hundred thousand pounds sterling money of Great Britain, and of the whole of the bonds for seventy thousand pounds

pounds sterling authorized under the third section of the said Act; and whereas the company have petitioned for a confirmation of such agreement and for other powers and purposes; and whereas it is expedient to grant such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The contracts in the preamble mentioned or referred to for the construction of the said railway are hereby declared to have been properly entered into, and to have been and to be legal and valid, and the same are hereby in all respects confirmed, and the said meeting of the shareholders of the said company and their action and resolutions thereat and the agreement in the preamble mentioned, are hereby confirmed and are declared to have been and to be legal and valid, and the allotment and delivery to the contractors of the bonds, and the paid-up stock of the company, and one hundred and ten thousand pounds of the preference stock by this Act authorized, and the payment and delivery to the contractors of the aid received or receivable by the said company from various municipalities and from the Province of Ontario, and of the moneys received or derived from these or any other sources are hereby confirmed and declared to have been and to be lawful allotments, deliveries and payments thereof respectively, and the holders of such stocks are hereby declared to hold the same with all the rights, privileges and immunities conferred on or possessed by shareholders whose shares have been fully paid-up; and it is hereby further provided that the remaining sixty thousand pounds sterling of the preference stock aforesaid shall not be delivered to or received by the contractors, but shall be and remain at the free and absolute disposal of the company for such purposes as they may deem proper and fit.

Contracts confirmed.

2. It shall be lawful for the directors of the said company and they are hereby required within three months to issue preference stock of the said company to the amount of one hundred and seventy thousand pounds sterling, in shares of ten pounds each, which shall be called and known as preference stock, and the holders of such preference stock shall have and possess the same rights and privileges and qualifications for directors and for voting and otherwise as are attached or belong to ordinary shareholders, and shall have one vote for each such share, and shall be entitled to receive and be paid ratably and *pari passu* a dividend upon such preference stock not exceeding the rate of six per cent. per annum next after the payment of the interest on the first mortgage bonds of the company, and in preference to and priority over the ordinary shareholders; the dividend on such preference stock shall be computed and reckoned from the first day of December, one thousand eight hundred and seventy-eight, and shall be

Preference stock.

due on the first day of June and first day of December in each year, and shall be payable two months after such dates respectively, and in case at any time or times there shall not be sufficient moneys available to pay the full dividend on such preference stock at the rate of six per cent. per annum, any such deficiency shall be made up from the moneys available at any future time or times.

Directors to
issue stock as
they think fit,

3. The directors may create and issue the preference stock for sixty thousand pounds in the first section mentioned in such amounts and subject to the payment of such calls of such amounts and at such times and at such discount as they may think fit, or they may agree for the sale thereof or of any part thereof at such price as they may think fit, and may stipulate for the payment of the purchase money by instalments, and the amount of every such instalment as and when payable shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section twenty-seven of the Railway Act of Ontario, which, so far as applicable, is incorporated herewith, and the amount of every such instalment may be sued for and recovered as if it were a call due on a share within the meaning of the said Act, and the non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act (including forfeiture of the stock in respect of which such instalment is due) as in the case of a call due by a shareholder on a share.

Issue of bonds
limited.

4. The amount of first mortgage bonds of the said company which may be issued under the first section of the said recited Act is hereby limited to four hundred and fifty thousand pounds sterling being the amount of the four thousand five hundred bonds already issued and numbered as in the preamble mentioned.

41 Vic., c. 48,
s. 3, repealed.

5. The third section of the said recited Act is hereby repealed.

Interpreta-
tion.

6. The word "contractors," wherever used in this Act, shall be taken to mean the several persons who were or are the contractors with the company for the construction and equipment of portions of their railway under the two contracts hereinbefore mentioned.

CHAPTER 61.

An Act to legalize certain By-laws and Debentures of the County of Kent, in aid of the Erie and Huron Railway Company.

[Assented to 11th March, 1879.]

WHEREAS, by a by-law passed by the County Council Preamble.
of the County of Kent, dated the eighth day of June in the year of our Lord one thousand eight hundred and seventy-four, numbered three hundred and nineteen and amended by a by-law of said County, passed on the third day of November, one thousand eight hundred and seventy-seven, numbered three hundred and fifty-six, the Warden of the County of Kent was directed to issue the debentures of the said County of Kent, for the purpose of raising a bonus in aid of the Erie and Huron Railway Company to the amount of one hundred and fifty-five thousand dollars, said debentures to be payable in equal payments in twenty years and to bear interest from the first day of January, one thousand eight hundred and seventy-five; and whereas a suit was instituted in the Court of Chancery by the Corporation of the Township of Harwich and others, against the Erie and Huron Railway Company and others, in which the right of the said company to the said debentures was contested, and under an order made therein the said debentures were ordered to be delivered to the accountant of the Court of Chancery, to abide the decision of the said suit, and in pursuance of the said order, all the said debentures directed to be issued by said by-law number three hundred and nineteen, with the exception of the first three thereof which would, if issued, have become payable on the first days of the years one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, were delivered to the said accountant, the first of which said debentures, and the interest upon the whole amount for one year of said debentures so delivered as aforesaid, became payable on the first day of January, one thousand eight hundred and seventy-nine; and whereas, by an Act of the Legislature of the Province of Ontario, passed in the forty-first year of Her Majesty's reign, chaptered forty-five, intituled "An Act respecting the Erie and Huron Railway," it was enacted that in the event of the said suit being finally decided in favour of the said company, the county might pass a by-law for the issuing of debentures in the place and stead of the debentures of the said county, which, under the terms of the said by-law number three hundred and nineteen, of said county, would, if the same had been issued, become payable on the first days of January, one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy eight, and also for the interest

interest payable, from the first day of January, in the year one thousand eight hundred and seventy-eight, upon the whole amount of the debentures of said county, the issue of which was provided for by said by-law number three hundred and nineteen, said debentures to be payable in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, and in manner set forth in said Act; and whereas, the final decision in said suit was given by the Court of Appeal, to which the same was carried, in favour of the Railway Company, but not until after the time had elapsed for striking the necessary rate upon the section of the county defined in said by-law numbered three hundred and nineteen, to raise the necessary amount to pay the debentures and the coupons for the interest accruing due upon the whole of the debentures so issued as aforesaid, and payable on the first day of January, one thousand eight hundred and seventy-nine, and no provision has been made for the payment of said debentures and coupons; and whereas, the council of said county on the third day of January, in the year one thousand eight hundred and seventy-nine, passed a by-law numbered three hundred and seventy-one under the authority of said Act, providing for the issue of said three debentures payable on the first day of January, one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, and also providing for the issue of three other debentures for the sum of fourteen thousand two hundred and eighty-two dollars and seventy-nine cents payable on the first day of January, in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, with interest at the rate of six per cent. payable half-yearly, and for the levying of the necessary rate to pay said debentures and interest upon the section of said county defined in said by-law number three hundred and nineteen; and whereas, the said county council have by their petition prayed, that an act may be passed giving them additional power to pass said by-law and to confirm the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue debentures.

1. It shall and may be lawful for the municipal council of the County of Kent, to issue three debentures for the sum of fourteen thousand two hundred and eighty-two dollars and seventy-nine cents, to provide for the payment of the first of said debentures already issued under by-law number three hundred and nineteen of said county, and for the interest which has accrued upon the whole of the said debentures already issued according to the coupons thereto attached, and upon

upon the three debentures still to be issued and which said debentures and interest became due and payable on the first day of January, one thousand eight hundred and seventy-nine, said three debentures to bear interest at the rate of six per centum per annum, payable half-yearly and to have coupons for each instalment of interest attached; the principal moneys of said debentures shall be payable on the first day of January, in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight respectively, and shall be payable at the branch office of the Merchants' Bank of Canada in the Town of Chatham.

2. It shall and may be lawful for the said Municipal Council of the County of Kent, to raise, levy and collect by a special rate upon all the ratable property in the section of said County of Kent, defined by said by-law number three hundred and nineteen, during the continuance of the said debentures or any of them, in the manner provided for the payment of the debentures and interest by clause number five of said by-law numbered three hundred and nineteen, as amended by by-law numbered three hundred and fifty-six, a sufficient amount of money to pay off the said debentures and interest as they become due.

Special rate authorized.

3. It shall not be necessary to submit the said by-law already passed by the said municipal council numbered three hundred and seventy-one, for the issue of said debentures, to be voted upon by the qualified electors of the said county or any part thereof entitled to vote on money by-laws, but, the passing of said by-law without such vote or publication shall be valid, any law or statute to the contrary notwithstanding.

By-law not to be submitted to electors.

4. The by-law of the said county passed on the third day of January, one thousand eight hundred and seventy-nine, numbered, three hundred and seventy-one and all other by-laws of the said county relating to the granting aid to the Erie and Huron Railway, as well as the debentures issued or to be issued in accordance therewith, shall be valid and binding upon the County of Kent, and upon that section thereof defined by said by-law numbered three hundred and nineteen to all intents and purposes whatsoever and their validity shall not be questioned in any way whatsoever.

By-laws and debentures to be valid.

5. The thirty-first section of the statute of the Province of Ontario, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered seventy, and schedule "B" referred to therein are hereby repealed, so far as the same apply to the debentures issued or to be issued by the municipality of the County of Kent in aid of the said railway, but not otherwise, and the following, with schedule "B" hereto, substituted therefor:

36 Vic. c. 570, s. 31 and Schedule B to said Act repealed for certain purposes.

The

Trusts of
debentures.

The said trustees shall receive the said debentures of the Municipality of the County of Kent in trust: firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Province, or Dominion, having an office in the City of Toronto, in the name of the "Erie and Huron Railway Municipal Trust Account, County of Kent debentures" and to pay the same unto the company from time to time as hereinafter mentioned on the certificate of the chief engineer of the said company in the form set out in schedule "B" hereto, or to the like effect; and such certificate is to be attached to the cheques drawn by the said trustees.

Payment by
trustees to
company.

6. All proceeds of the said debentures of the said Municipality of the County of Kent and all interest in respect thereof shall be paid over by the trustees or any two of them appointed or to be appointed pursuant to the said Act to the said company upon the production of the said certificate, in the manner and at the times following, that is to say:

1. One-eighth thereof when the said proposed road shall have been graded ready for the ties, all culverts put in and bridged from the Rond Eau Harbour to a point on the said road midway between said harbour and the Town of Chatham exclusive of a portion thereof near the Village of Blenheim, the gravel or earth from which is reserved for and intended to be used in ballasting the said road;

2. Another one-eighth thereof when the same shall have been so graded, culverts put in and bridged from the said Rond Eau Harbour to the Town of Chatham;

3. Another one-eighth thereof when the same shall have been so graded, culverts put in and bridged from the said Town of Chatham to a point on said road midway between said Town of Chatham and the Village of Dresden;

4. Another one-eighth thereof when the said road shall have been so graded, culverts put in and bridged from the said midway point to said Village of Dresden;

5. Another one-eighth thereof when the Wallaceburg branch of said road shall have been so graded, culverts put in and bridged from the point of intersection with the main line of said road to a point midway between the said point of intersection and the Village of Wallaceburg;

6. Another one-eighth thereof when the said Wallaceburg branch of said road shall have been so graded, culverts put in and bridged from the point of intersection with said main line and the Village of Wallaceburg;

7. And the remaining one-fourth part thereof together with any remaining interest upon the said fund when the said road shall have been completed ready for the rolling stock thereon from the said Rond Eau Harbour to the Village of Dresden including the Wallaceburg branch; but nothing contained herein shall prevent the said company from commencing the work upon

upon any of the said sections at either end thereof, and work from that or both ends; and the company shall be entitled to said payments when the work hereinbefore mentioned and provided shall have been performed on the particular section as aforesaid.

SCHEDULE B

(Section 5.)

The Erie and Huron Railway Company Office
No. A.D. 18 .

Certificate to be attached to cheques drawn on the Erie and Huron Railway Municipal Trust Account, County of Kent debentures, and given under section five of chapter of the Acts of the Legislature of Ontario passed in the forty-second year of Her Majesty's reign.

I, Chief Engineer of the Erie and Huron Railway Company, do certify that the said company has graded ready for the ties including all culverts and bridging the portion of said line of railway mentioned in sub-sec. [

] of section six of the said Act, and that they are entitled to be paid the sum of [] (*or in case of the last payment*) that the said company has completed ready for the rolling stock the said road from the Rond Eau Harbour to the Village of Dresden, and also the branch to Wallaceburg mentioned in sub-section (7) of said section six; and the said company is now entitled to be paid the balance of the proceeds of the debentures of the County of Kent and any interest on said debentures not hitherto paid to them.

CHAPTER 62.

An Act respecting the Lake Simcoe Junction Railway Company.

[Assented to 11th March, 1879.]

WHEREAS the Lake Simcoe Junction Railway Company Preamble. has petitioned that an Act may be passed to amend the Acts relating to the said Company, and to extend the powers on it thereby conferred; and whereas the said company heretofore entered into an agreement in writing with the Toronto and Nipissing Railway Company, properly executed under the signature of the respective presidents and respective corporate seals of the said two companies, in the words and figures following,

lowing, that is to say: This Indenture, made this fourteenth day of July, one thousand eight hundred and seventy-six, between the Lake Simcoe Junction Railway Company, of the first part, and the Toronto and Nipissing Railway Company, of the second part; whereas by an Act of the Parliament of the Province of Ontario, entitled An Act to incorporate the Lake Simcoe Junction Railway Company, the said last mentioned company, are empowered to construct a railway from some point on Lake Simcoe, in the vicinity of Sutton, in the County of York, to some point on the line of the Toronto and Nipissing Railway Company, at or near the Village of Stouffville, in said county; and whereas, by the said Act, it is amongst other things enacted that it shall be lawful for the said parties of the first part, and any other railway company in the Province of Ontario, to enter into any agreement for leasing the said railway, or any part thereof, to such other company, and that any company accepting or executing such lease and agreement shall exercise all the rights, powers and privileges in said Act contained; and whereas the construction of the said projected railway will open up the trade of a large section of country, which it is of importance to the City of Toronto to attract and secure, and which will contribute an entirely new and extensive traffic to the existing line of the said parties of the second part; and whereas it is the mutual interest of the said parties hereto to secure permanent connections between the existing line of the Toronto and Nipissing Railway and the projected railway of the said parties of the first part in order to accelerate the construction and completion of the said projected line, and to secure thereafter the efficient and profitable working thereof, the said parties of the second part have agreed to enter into an agreement with the said parties of the first part to work their said railway for twenty-one years upon the terms and conditions hereinafter mentioned: Now This Indenture witnesseth the said parties of the first and second parts, each of them for themselves, their successors and assigns respectively covenant and agree with the other of them in manner following, that is to say: That the said parties of the first part will forthwith, by all reasonable means and resources within their power and control, build and complete the said projected line of railway from the terminus on Lake Simcoe to the point of junction of the same with the line of the Toronto and Nipissing Railway at or near Stouffville, in the manner described in the schedule hereto annexed, marked A, and in the plans and specifications therein referred to, provided that the terms of the said schedule, plans and specifications may at any time be altered or changed by the consent of the presidents of the respective parties hereto in writing, but the said line of railway shall not be deemed complete, nor the said parties of the second part required to work the same, until their managing director shall have certified in writing his satisfaction and approval thereof, in accordance with the said schedule, plans and specifications, as regards ballast, drainage, sidings, fences, signals, station houses, and all other

other matters and things required for the proper management and working of the railway, and also the reasonable sufficiency of station grounds, and purchase and payment of the right of way taken and required : The parties of the first part do hereby agree with the parties of the second part, that the parties of the second part shall work the whole of said railway from the point of junction of the same with the Toronto and Nipissing railway to the terminus thereof on the shore of Lake Simcoe, and the parties of the first part shall place the said parties of the second part in possession thereof when the same is completed and ready to be opened for freight and passenger traffic, and that the parties of the second part shall have possession of the railway when completed and opened as aforesaid, and shall work the said railway for the period of twenty-one years, to commence and take effect from the date at which the same is so completed and ready to be opened for traffic, and possession thereof given to the parties of the second part, and the parties of the second part shall pay to the parties of the first part therefor, half-yearly, during the said term such sums as shall amount to twenty-five per cent. of the gross receipts arising from the traffic carried on the said railway of the said parties of the first part, such traffic not to include any matter or thing carried by the parties of the second part for their own use or service on either railway, such percentage of the gross receipts as aforesaid to be applied by the said parties of the second part:—firstly, in or towards payment of the interest of the mortgage bonds, hereafter mentioned, authorized to be issued by the said recited Act, or any amendments made or which may be made thereto by the said parties of the first part:—secondly, to pay any residue of such percentage to the said parties of the first part : And it is also agreed by and between the said parties hereto, that the issue to be made of debentures upon the security of the said railway under the powers of the said recited Act or any amendments thereto shall not, unless with the consent of the said parties of the second part, exceed in the whole a sum equivalent to nine thousand five hundred dollars for each mile of said railway, and that the interest thereof shall not exceed six per cent. per annum, and shall be made payable on the first days of April and October in each year respectively, and the production by the said parties of the second part of the interest coupons of the said debentures so paid and redeemed from time to time as aforesaid, shall be taken and received by the said parties of the first part in payment or part payment of the percentage of twenty-five per cent. of gross receipts to be paid to the said parties of the first part as aforesaid : The said parties of the second part do hereby agree and become bound to provide the necessary locomotive engines, cars and other rolling equipment requisite for the proper and efficient working of the said railway so soon as the same shall have been completed and possession given to them as before specified, and shall also supply all the fuel and other materials and things required for working the same, and shall, during the

the continuance of these presents, work the said railway, and efficiently repair, renew, keep in order, and maintain the same at the expense of said parties of second part, and shall also keep open and maintain a station at Vivian and a flag station at Ballantrae, and stations at Mount Albert and Sutton, and at the Town Line between the Townships of North and East Gwillimbury, as required by the by-laws granting aid to said parties of the first part, and the bonds given by said parties of the first part to the Township of Whitechurch and the County of York, and shall insure and keep insured at the expense of the said parties of the second part, the buildings connected with said railway for not less than two-thirds of their value, in the name of the parties of the first part, but loss, if any, to be payable to the parties of the second part, or assignments to be made to them if, and whenever required, and shall pay all taxes which may be assessed or levied upon said railway, and the works and buildings connected therewith: That the said parties of the second part shall have, during the continuance of the said term, entire control and management of the said railway, as well in regard to the regulating and settling, from time to time, the amounts and rates of tolls, fares, freight and other charges to be paid, collected and taken thereon, and the mode of collecting and receiving the same, and the time and manner of payment thereof, and the time and manner of the running of trains, and the nature and number thereof, and all other matters and things in any way touching or incident to the using, operating and working of the said railway, and the development of its traffic, and shall have all the rights, powers and privileges conferred upon said parties of the first part, by their Act of Incorporation and amendments thereto, and all other statutes or laws in force relating to the said parties of the first part, so far as they shall require to use or exercise the same for the proper management of the said railway and traffic thereof, and for all purposes whatsoever in anywise connected therewith; and shall have full power and authority to use the name and seal of the parties of the first part whenever the parties of the second part find it requisite or necessary so to do for purposes relating to the working of said railway: The said parties of the second part shall make and keep separate and accurate accounts of the traffic and receipts over the said railway of the said parties of the first part, such accounts to be made out to the end of each half-year, ending on the thirty-first day of December, and to the end of each year ending on the thirtieth day of June, and on the first days of the months of March and September in each year, or at such other convenient date as may be mutually agreed upon by the parties hereto, the said parties hereto may severally appoint an auditor to examine the same, who shall, if they deem it necessary, have free access to and liberty to investigate, inspect and take copies of the books and vouchers of the said parties of the second part, at any station or offices on the line of the railway of the parties of the first part, and at the Toronto station of the said parties of the second

second part, so far as they relate to the traffic in this deed referred to, and in the event of any difference arising in the adjustment of such half-yearly accounts between the said two auditors, they shall appoint some third person as referee between them, or in case said auditors disagree as to the appointment of said referee he shall be appointed by a judge of one of the Superior Courts for Ontario, and the decision of any two of whom shall be binding upon all parties, and upon any account being passed or adjusted by such auditors, the same shall be conclusive as between the parties, except as to any manifest error discovered therein, and notified in writing to the parties within six months after the passing or the adjusting of the account in which the same occurs, and in computing the earnings upon such traffic as may be common to both railways, the rate charged thereupon shall be credited to each railway in proportion to the respective mileage of each railway over which the said rate may have been charged, except in the case of cordwood which shall be credited to each company at no larger rate than that limited by the respective charters for the mileage over each railway: In the event of the railway of the parties of the second part being purchased by, leased to, or amalgamated with that of any other company, such purchase, lease, or amalgamation, shall be subject to the terms and conditions of this agreement and not otherwise: The said parties of the second part hereby agree to furnish the chief officers of the company of the first part, with free transit over and upon the railways of the parties hereto between Toronto and Lake Simcoe, but provided that no person whomsoever carried at any time by the parties of the second part without charge, in pursuance of this agreement or otherwise, for or at the request of the parties of the first part, or any of their officers shall have any claim against the parties of the second part for or in respect of any accident, loss or injury to person or property whatsoever occurring in or about such journey, nor shall the wife or children, or executors or administrators of any such person have any such claim, the parties of the first part to make proper provision for and indemnify the parties of the second part against all such claims, and all free passes given to have such exception clearly written or printed thereon: The said parties of the second part agree to maintain in manner aforesaid, the said line of railway from the time of completion and transfer of possession thereof to them as aforesaid, during the whole of the said term, in good order and repair, and to deliver the same at the expiration of the said term to the said parties of the first part in good plight and condition, and in good working order: And they also agree that upon receiving ten days' previous notice in writing, they will provide a sufficient number of engines and cars, not exceeding two engines and thirty small cars for the use of the parties of the first part, in constructing their railway for the purpose of track-laying and ballasting, at a fair rental, the conductor, engine driver and fireman to be employed by the parties of the second part,

and

and the trains to be under their charge, but they are not to be liable for any accident, loss or injury to person or property occurring in working such trains, or to any person whomsoever, or to the wife or children, or executors or administrators of any such person, all such risks to be assumed by the parties of the first part, or by the contractors employed by them; they also agree to carry the iron required for the said railway from Toronto or Scarborough Junction to Stouffville for the parties of the first part, at one cent and one-half per ton per mile, and to carry men and plant required by said parties of the first part on said works at half the usual rates: And it is also agreed between the parties hereto, that in case any dispute arises between them as to any of the matters or things in this indenture and the said schedule and plans and specifications contained, the same shall be referred to the award and arbitration of two disinterested persons, one of whom shall be appointed by each of the said parties who shall jointly choose a third disinterested party to act as arbitrator, and in case the said arbitrators disagree as to the appointment of such third arbitrator, he shall be appointed by a Judge of one of the Superior Courts for Ontario, and the decision by the majority of such three arbitrators shall be final and binding, and in case either of the parties hereto shall refuse or neglect to appoint an arbitrator within twenty days after notice in writing for that purpose, may be given by either of them to the other, then the decision of the arbitrator of the party giving such notice shall be binding upon both parties, provided that there shall be no hearing of the matters in dispute, unless each party be notified at least ten days previously, and be allowed to attend and be heard and to adduce evidence: It is further agreed that the parties of the first part and their directors for the time being, shall, from time to time, make, ordain and provide all such lawful rules and regulations and by-laws touching and concerning the premises as shall be required by the board of directors of the parties of the second part, and again from time to time shall repeal, alter and amend the same, and make and ordain others of such description as shall be required in that behalf: Provided that this agreement shall not be binding upon the said parties hereto, or either of them, until the same is accepted and approved of by the shareholders of the respective companies, so far as may be necessary, under their respective Acts of Incorporation, and that in case this agreement is not so accepted or approved of by each of said companies, the same shall thereafter become void and of no effect: In witness whereof, the President of the said the Lake Simcoe Junction Railway Company, and the President and Secretary of the Toronto and Nipissing Railway Company, have hereunto set their hands and have caused the seals of the said respective railway companies to be hereunto affixed: Upon which agreement was endorsed a memorandum also properly executed as aforesaid by the said two companies, in the words and figures following, that is to say: It is understood and

agreed

agreed between the respective companies within named, that the time for payment of the interest of the mortgage bonds mentioned in the third paragraph of the within agreement be the first day of May and the first day of November in each year, instead of the first day of April and October in each year, as therein mentioned: In witness whereof, the presidents of the said respective companies have hereunto set their hands, and caused the seals of the said respective companies to be hereunto affixed: And whereas, at a meeting of the shareholders of the said last mentioned company, duly called and held, the loan capital of such company was limited to the total amount of two hundred and fifty-one thousand seven hundred and fifty dollars, equal to fifty-one thousand and seven hundred pounds sterling, all to be issued in first mortgage terminable bonds of such company, which such meeting duly authorized to be issued: And whereas mortgage bonds of the Lake Simcoe Junction Railway Company have been properly issued to the extent of fifty-one thousand and seven hundred pounds sterling (being five hundred and seventeen bonds of one hundred pounds sterling each, and numbered consecutively from one to five hundred and seventeen inclusive) bearing date the twenty-sixth day of October, in the year of our Lord one thousand eight hundred and seventy-six, with interest coupons attached, for interest at six per cent. per annum half-yearly, on the first days of May and November in each year, and the principal due on the first day of November, in the year of our Lord one thousand eight hundred and ninety-six, being for the full amount to which the loan capital of the said last mentioned company was limited by the said resolution: And whereas it is declared on the face of such last mentioned bonds that they are each of them without registration or formal conveyance a first mortgage and charge upon the railway, upon all and every the undertaking, and upon the real and personal property of the company, then existing, or at any time thereafter acquired, together with the franchises of the said company, and that the total loan capital of the Lake Simcoe Junction Railway Company is limited to the amount of such bonds: And whereas the said last mentioned company has never issued any debenture stock: And whereas the directors of said company have had issued in all three hundred and forty-one shares of the capital stock of such company as paid up: And whereas doubts have arisen as to whether the same have been all legally paid up, on account of certain allowances and compositions made by the directors to the subscribers for stock: And whereas the shareholders of such company, at their last annual meeting, holden on the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, by resolution duly approved of the said allowances and compositions, and of the issue of said three hundred and forty-one shares of capital stock as paid up: And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent
of

of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation **1.** In the construction of this Act the words “ the company ” shall mean The Lake Simcoe Junction Railway Company, and the words “ the agreement ” shall mean the agreement between the Lake Simcoe Junction Railway Company and the Toronto and Nipissing Railway Company, mentioned in the above recitals, unless the context requires a different interpretation of the words hereby interpreted.

Shareholders’ resolutions, &c., confirmed **2.** The action and resolution of the shareholders and directors of the company respectively, as set out, described and mentioned in the above recitals thereof, are hereby confirmed and are declared to have been and to be legal, valid and binding, and the meetings at which said resolutions were respectively passed, are hereby declared to have been properly and lawfully called and held.

Agreement between L. S. J. R. and T. & N. R., confirmed. **3.** The agreement between the company and the Toronto and Nipissing Railway Company, as amended by the endorsement thereon, as both are set out, described and mentioned in the above recitals, are hereby declared to have been properly and lawfully entered into, and to have been and to be legally valid and binding; **Provido.** that nothing in this Act shall affect the rights of municipalities in regard to railway stations or any other matter or thing contained, provided or mentioned in any agreement or bond made by the said Lake Simcoe Junction Railway Company to any municipality, or in regard to being represented on the board of directors of the said company.

Power to alter agreement. **4.** It shall be lawful for the directors of the company at any time, and from time to time, hereafter, with the sanction of the shareholders, obtained at any general, annual or special general meeting called for the purpose, and with the assent of the holders of five hundred and seven of the bonds of the company, and of the Toronto and Nipissing Railway Company to alter or change the agreement in any and every respect that may be agreed upon by said directors with said sanction of the said bondholders and the Toronto and Nipissing Railway Company.

Loan capital limited. **5.** The total loan capital of the company is hereby limited to the said sum of two hundred and fifty-one thousand seven hundred and fifty dollars of lawful money of Canada, or fifty-one thousand and seven hundred pounds sterling, and the total amount thereof is hereby declared to have been issued in the said first mortgage bonds mentioned in the above recitals.

Debenture stock. **6.** The power of the company to create or issue debenture stock is hereby abolished and repealed.

7. The said first mortgage bonds of the company amounting in all to the sum of fifty-one thousand and seven hundred pounds sterling are hereby declared to have been issued according to law, and the provisions of the Act of the Legislature of the Province of Ontario, passed in the thirty-ninth year of the reign of Her Majesty, Queen Victoria, chaptered seventy-six, intituled "An Act respecting the Lake Simcoe Junction Railway Company," and to be good and valid first mortgage bonds of the company, and the only and total loan capital and first mortgage bonds and charge of the company, and the same shall have co-ordinate lien and be without any preference of one above another, and without registration or formal conveyance, shall be the first preferential lien, claim and charge upon the railway, upon all and every the undertaking, and upon the real and personal property of the company, including its rolling stock and equipment existing at the date of the issue of the said bonds, and at any time thereafter acquired, together with the franchises of the company, and each holder of any of the said bonds shall rank and stand *pro rata* with all the other holders thereof.

Issue of mortgage bonds confirmed.

8. It shall be lawful for the directors, at any time hereafter, with the assent of the then holders of five hundred and seven of the bonds of the company to call in and cancel all the bonds of the company then issued, and by resolution to divide the said loan capital of the company into two classes of bonds, the one to be called first mortgage bonds, and the other second mortgage bonds, and to limit the issue of first mortgage bonds to any sum less than fifty-one thousand and seven hundred pounds sterling (and they are in such case hereby given power to issue second mortgage bonds for the residue of the said sum of fifty-one thousand and seven hundred pounds sterling) and both classes of bonds shall have the effect and create the same lien, charge and incumbrance upon the said undertaking, and the property, real and personal, and the franchises of the company, and the holders thereof shall be in the same position and hold and enjoy the same powers, privileges and rights as the holders of first mortgage bonds in all respects, save and except that as between the two classes of bonds, and the holders thereof, second mortgage bonds shall have and take rank and priority and form an incumbrance, charge and lien upon the said undertaking, and the property, real and personal, and the franchises of the company immediately after such first mortgage bonds, and not equally or simultaneously with them: and upon such calling in and division into such two classes with such assent as aforesaid; the directors shall issue first mortgage bonds to the amount mentioned in the resolution, by them so to be passed limiting the amount thereof, and second mortgage bonds for the balance of the loan capital, so that the total of both kinds of bonds shall in all amount to, but not exceed, fifty-one thousand and seven hundred pounds sterling, and both such issues of bonds may be made payable at such place or places and

Bonds may be divided into two classes.

Issue of first and second mortgage bonds.

and upon such time or times, with interest at the rate of six per centum per annum, half-yearly, as may be agreed upon between said directors and bondholders, and the directors shall deliver the said two issues of bonds when issued to the holders of the bonds, so called in and cancelled, in the place and stead thereof, and in the same proportionate amounts that they held the bonds so called in and cancelled.

Re-issue and renewal of bonds permitted.

9. The directors of the company are hereby authorized and empowered, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, from time to time and as often as they may deem advisable, to re-issue and renew the whole or any part of any bonds of the company, and at any time and from time to time with the assent of the holders thereof, or of any part thereof, to call in and cancel any of the said bonds and issue new or other ones in the place thereof.

Bonds to be first charge and lien on property of the company

10. All the said bonds which have been issued by the company, and all others which shall hereafter be issued in renewal or exchange thereof, shall, without registration or formal conveyance be, and be taken and considered to be, (and to have been from the issue thereof) a first and preferential claim and charge, each bond *pro rata* with all the others, upon the rent, percentage of gross earnings or money in the nature of rent, or any other moneys which have become, are now, or may hereafter be or become, payable to the company, or the holders of the bonds of the company under the said agreement with the Toronto and Nipissing Railway Company, as it now stands or as it may hereafter be altered or changed under the provisions for so doing contained in this Act, and upon any rent or money in the nature of rent, or any other moneys which may be payable to the said company under any lease or arrangement with any other company or companies for the leasing or working or use of the said railway, for securing the payment of the interest on such bonds and of such portion of the principal thereof as may become due, and payable during the term of the agreement, or of such lease or arrangement: Provided always that the rank, preference and priority of first and second mortgage bonds, if the latter should be issued, and of the holders thereof as between themselves and the said two classes of bonds, as established by section eight of this Act, shall extend to this section and every matter and thing therein contained.

Proviso.

Delivery of certain shares confirmed.

11. The issue and delivery of shares as paid up of the capital stock of the company to A. S. Anderson, John Boyd, Samuel Baine, Archibald F. Campbell, John H. Beatty, J. N. Blake, Edward Brook, J. C. Boyd, Joseph Cook, John Curtis, William Cane, Thomas Donnell, George Evans, George French, J. H. French, R. W. Forrest, John Gibson, Robert Grey, David Graham, A. L. Gould, James Hamilton, William Henry, I. L. Howard, James Hopkins, Anson Jones, A. Massington, A. Miller, A.

A. Meiers, John Quebell, Joseph Pegg, Stephen Pask, George Rear, Thomas Rear, R. A. Riddell, W. S. Ramsay, R. Rowan, W. H. Rowan, S. Shuttleworth, I. R. Stevenson, Joseph Sheppard, Mrs. Jane Shell, Thomas Weir, John Yates, W. D. Townley, S. Woodcock, to the extent in all of three hundred and forty-one shares, is hereby confirmed and declared to have been and to be lawful issues and deliveries thereof respectively, and are and shall be deemed and taken to be paid up in full to all intents and purposes whatever as fully and effectually as if the same had been fully paid for in money, and the holders thereof and their assignees, and the original subscribers therefor are hereby respectively declared to be free from any liability for calls in respect thereof or for payment thereof or otherwise; Provided, that nothing in this section contained shall in any way affect any right or claim that any person or persons may now have against the company for, or in respect of non-payment of right of way; or for or in respect of damages for bad, insufficient or imperfect crossings or approaches; or for or in respect of any other claim for damages which has accrued to any person for or on account of any matter or thing which has heretofore occurred or happened; nor the liability or responsibility of the provisional or other directors of the company or any of them for or in respect of the first subscription for capital stock of the company made by any of the said provisional or other directors.

12. Sections nine, ten, eleven, twelve and fifteen of the Act passed in the thirty-ninth year of Her Majesty's reign and chaptered seventy-six, and all other sections and parts of sections of the Act of the Legislature heretofore passed in reference to the company inconsistent with this Act, are hereby repealed. Ss. 9, 10, 11,
12 & 15 of 39
Vic., c. 76,
repealed.

CHAPTER 63.

An Act respecting the Leamington, Comber and Lake St. Clair Railway Company.

[Assented to 11th March, 1879.]

WHEREAS the Leamington, Comber and Lake St. Clair Railway Company has, by its petition, prayed for certain amendments to its charter; and whereas the municipalities whose by-laws for granting aid to the said company are alone affected by this Act have assented thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

40 Vic., c. 72,
ss. 1 and 20,
amended.]

1. The first and twentieth sections of the Act passed in the fortieth year of the reign of her Majesty, Queen Victoria, are each hereby amended by striking out the words "Comber and Lake" therein; and hereafter the name of the company shall be the Leamington and St. Clair Railway Company.

40 Vic., c. 72,
s. 3, amended.

2. The third section of the said Act is hereby amended by striking out the words "and continuing the same through the Townships of Mersea and Tilbury West to a point at or near the Village of Stoney Point and at or near the shores of Lake St. Clair," and by inserting in lieu thereof the words "to some point at or near the shore of Lake St. Clair in either the Township of Rochester or the Township of West Tilbury, or the Township of Maidstone."

Directors.

3. The number of directors to be elected shall be not less than five nor more than seven, as may be fixed from time to time by the by-laws of the company, and the directors shall remain in office until their successors are appointed.

Rights of trustees holding shares for corporations.

4. Shares in the company's stock, owned by corporations and other companies, may be held by trustees for such corporations and companies, and such trustees shall have, and may exercise, all the powers, privileges and rights which shareholders holding shares in their own right would have or might exercise.

40 Vic., c. 72,
ss. 10 and 11,
amended.

5. Sections ten and eleven of the said Act are each hereby amended by inserting in the third lines thereof, after the word Leamington, the words "or at such other place."

40 Vic., c. 72,
s. 16, amended.

6. The sixteenth section of the said Act is hereby amended by adding thereto the words "and the same shall be legal and valid notwithstanding any change that may be made in the route of the said railway, provided the route finally adopted by the said company be within the powers conferred by the charter or by the amendments thereof, and within the terms of any agreement between the municipality and the company under their corporate seals."

Municipal by-laws legalized.

7. The by-laws of the municipalities of the Township of Mersea and of the Village of Leamington, granting bonuses to the said company, and the debentures issued, or to be issued, under the authority of the same, are hereby declared to be legal and valid.

Aid from municipalities.

8. It shall be lawful for any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means
to

to the company, or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such portion of the municipality shall think expedient: **Provided** always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers of such portion, as provided in the Municipal Act for the creation of debts.

9. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same. Council to pass by-law.

10. Within one month after the passing of such by-law, the said council and the reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act. When debentures to be issued.

11. In case any bonus be so granted by a portion of a municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality. Rate assessed on portion of municipality.

12. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality. Municipal Act to apply.

13. All by-laws to be submitted to such vote for granting bonuses to the said Company not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby shall be valid. Rate not to exceed three cents on the dollar.

CHAPTER 64.

An Act to incorporate the Ontario Central Railway Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS M. Butt Hewson, John Hogg, William Young, Charles Cameron, T. P. White, John Miller, and N. W. Brown have petitioned for an Act of incorporation to construct a railway from some point in the Town of Whitby, at or near Port Whitby Harbour, through the Counties of Ontario, York, and Simcoe, or some of them, to some point on the Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the Nottawasaga River or adjacent thereto on said bay, and—whereas it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. The said parties above mentioned, together with such persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated shall become, and are hereby declared to be, a body corporate and politic by the name of the Ontario Central Railway Company.

Name.

Certain
clauses of
R. S. O. c.
165, incor-
porated.

2. The several clauses of the Railway Act of Ontario, and the clauses thereof, with respect to “interpretation,” “incorporation,” “powers,” “plans and surveys,” “lands and their valuation,” “highways and bridges,” “fences,” “tolls,” “general meetings,” “president and directors,” “calls,” “shares and their transfer,” “shareholders,” “municipalities taking stock,” “by-laws, notices, etc.,” “working of the railway,” “actions for indemnity and fines and penalties, and their prosecution,” and “general provisions,” shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments thereof; and the expression “this Act,” when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Location of
line.

3. The company hereby incorporated and their agents or servants shall have full power and authority, under this Act, to lay out, construct, and finish an iron railway from some point at or near Port Whitby Harbour, in the Town of Whitby, through the Counties of Ontario, York, and Simcoe, or some of them, to some point on Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the Nottawasaga

Nottawasaga River, or adjacent thereto on said bay, and with power to construct the same in sections.

4. The capital of the company hereby incorporated shall be ^{Capital.} one hundred and fifty thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into six thousand shares, of twenty-five dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion, and working of the said railway, and the purposes of this Act.

5. M. Butt Hewson, John Hogg, N. W. Brown, Robert ^{Provisional} Bell, Trueman P. White, and John Miller shall be, and are ^{Directors.} hereby constituted, a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

6. The said board of provisional directors shall have full ^{Powers of} power to open stock books, and procure subscriptions for ^{provisional} the undertaking; to make calls upon the subscribers; to cause ^{directors.} surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; and to receive any grant, loan, bonus or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least, three weeks' notice in the *Ontario Gazette*, in one paper published in the Town of Whitby, and some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books and receive such subscriptions; and the said committee, or a majority of them, may in their discretion, exclude any person from subscribing, who in their judgment would hinder or delay or embarrass the company in proceeding with their railway.

7. As soon as shares to the amount of fifty thousand dollars ^{First election} of the capital stock of the company shall have been subscribed, ^{of directors.} and ten per centum shall have been paid into a chartered bank having an office in the Province of Ontario, or so soon as such subscriptions, together with sums granted by municipalities, either

either by way of bonus or in the subscription to the capital stock, shall amount to such sum of fifty thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks in the Province, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in a paper published in the Town of Whitby and in each of the counties affected, and in the *Ontario Gazette*, of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect six persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors, together with the ex-officio directors under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election.

Application of
moneys de-
posited.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act; nor shall the debentures so deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same and the railway company in relation thereto.

Calls.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section seven.

Annual meet-
ing.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Whitby, or Villages of Newmarket, Aurora or Bradford, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in a newspaper published in the Town of Whitby, and in some one newspaper in each of the counties which have granted bonuses or subscribed for stock.

Special meet-
ings.

11. Special general meetings of the shareholders of the said company may be held at such places in the Town of Whitby, or the Villages of Newmarket, Aurora, or Bradford, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Qualification
of directors.

12. In the election of directors under this Act, no person shall

shall be elected unless he shall be the holder and owner of at least twenty shares of the stock of the said company, upon which all calls have been paid up.

13. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. Aliens may be shareholders.

14. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business ; and directors may at any meeting of the board vote by proxy, provided at least four directors are personally present at such meeting, and the said board of directors may employ one or more of their number as paid directors. Quorum.

15. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

16. It shall be lawful for any municipality, or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works, of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts. Aid from municipalities. Proviso.

17. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act. Petitions for aid by county municipality.

18. In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders who may be qualified voters under the Municipal Petitions for aid by other than county municipality.

Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid, in any portion of the said township municipality, do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such township municipality;

1. For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time and on the terms specified in the said petition;

2. For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Council to
pass by-law.

19. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

When debentures to be
issued.

20. Within one month after the passing of such by-law the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Rate assessed
on portion of
municipality.

21. In case any bonus be so granted by a portion of a municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Municipal Act
to apply.

22. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law

so passed by or for a portion of the municipality to the same extent as if the same had been passed by or for the whole municipality.

23. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid. Rate not to exceed three cents on the dollar.

24. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate by by-law specially passed for that purpose to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years. Exemption from taxation

25. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect to said debentures. Exchange of debentures.

26. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant Governor in Council, with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant Governor in Council, with the consent of the said company. Trustees of debentures. Proviso.

Trusts of debentures.

27. The said trustees shall receive the said debentures or bonds in trust: firstly, under the instructions of the directors of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of "The Ontario Central Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway in the form set out in schedule "A." hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor, provided that after the first payment on account of the said the Ontario Central Railway Municipal Trust Account, no other shall be made until at least ninety per centum of the next preceding payment shall have been declared by an auditor selected for the purpose by the municipalities contributing to the said trust, to have been shewn by pay-rolls and other vouchers to have been expended on work or materials or both in the construction or equipment of the railway.

Proviso.

Fees to Trustees.

28. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Certain Municipalities to name directors.

29. Any municipality which shall grant a bonus of not less than seventy-five thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Municipalities empowered to grant lands.

30. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Extension of time for com-

31. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall

shall have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonuses.

32. It shall be lawful for the council of any town-ship or county municipality interested in the said railway and its extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such municipalities, or any of them, to bear all or any part of the costs, charges, and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or to give the said company a bonus on account of such costs, charges and expenses; Provided always, that no one such bonus shall exceed five thousand dollars.

Expense of submitting by-law.

33. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president and vice-president of the said company, and countersigned by the secretary and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be, the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking and property of the said company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed two-thirds of the whole amount of the actual money expended on the railway and the equivalent in money of the par value of such second mortgage bonds as the company may have issued in payment for lands, labour, material, or supplies, the said second mortgage bonds to bear interest at the rate of six per centum per annum from and after the expiration of five years from their date, unless called in previously by the company and converted at par by a new issue of stock in addition to the issue at the time of the conversion outstanding; the amount of the stock so outstanding not to exceed at its par value the aggregate amount of stock actually paid up, and of the moneys expended, as shown by the auditor's certificates, from municipal bonuses on the works, plant, or other property of the company.

Issue of bonds.

Proviso.

34. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed

Powers as to promissory notes, etc.

Proviso.

dorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the president, or vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Right to acquire lands and gravel pits.

35. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for constructing, maintaining, and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof from time to time as they may deem expedient.

Compensation for stone, gravel, etc.

36. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining material as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

37. When said gravel, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to the said company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing or maintaining the said railway.

Sidings to
gravel pits,
etc.

38. The railway shall be commenced within three years, and completed to the extent of a through connection with the waters of the Georgian Bay aforesaid, within five years, and finally completed within seven years after the passing of this Act.

Commence-
ment and
completion.

39. The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies, of the railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with their own line.

Agreements
with other
companies.

40. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Power to
mortgage
bonds.

41. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent

Appointment
of agents.

agent

agent in the City of London, England, and also an agent in the City of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*: and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London, or at the New York office, and scrip certificates be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued, to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

Transfer of
shares.

42. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Transfers
made abroad.

43. Whenever any transfer shall be made in England, or the United States, of any share of stock of the company, the delivery of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the shares of stock so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the register of transfer for the purpose of dividends, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

Form of conveyance.

44. Conveyances of lands to the said company for the purpose of, and powers given by, this Act, made in the form set out in the schedule "C" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors

cessors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

45. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic, in connection with the railway.

Power to
build ware-
houses, &c.

46. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or the Municipal Act.

Municipalities
may subscribe
for stock.

47. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph
lines.

48. The gauge of the said railway shall be four feet eight Gauge. and one half inches.

49. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable.

Extension of
time.

SCHEDULE A.

(Section 27.)

CHIEF ENGINEER'S CERTIFICATE.

Ontario Central Railway Company's Office, Engineer's Department, A.D. 18 .

No.

Certificate to be attached to cheques drawn on the Ontario Central Railway Municipal Trust Account.

I, _____ chief engineer of the Ontario Central Railway Company, do hereby certify that the sum of \$ _____ is required to be expended in the construction of the portion of the line extending from mile number _____ to mile number _____ and that payment should be made to the company of such amount from the municipal trust account, the same being in pursuance of the terms and conditions of the by-law of the municipality of the _____ of _____

SCHEDULE B.

(Section 27.)

I, _____ auditor under section twenty-seven of the Act entitled An Act to incorporate the Ontario Central Railway Company, do hereby certify that I have examined the pay rolls and other vouchers shewing the expenditures upon the works or plant or other property of the said company, made out of the payments from the Ontario Central Railway Trust, on the _____ day of _____ 18 _____ and that the said pay rolls and other vouchers representing an aggregate of \$ _____ the amount actually expended on the works, plant and other property of the company out of the said payments from the said trust exceed the proportion of ninety per cent. of that payment.

SCHEDULE C.

(Section 44.)

Know all men by these presents, that I, (or we) (*insert the names of the vendors*) in consideration of _____ dollars paid to me (or us) by the Ontario Central Railway Company,

Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we) (*insert the names of any other party or parties*) in consideration of _____ dollars paid me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels) (*as the case may be*) of land situated (*describe the lands*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Ontario Central Railway Company, their successors and assigns, (*here insert any other clauses, covenants or conditions required,*) and I, (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands ;

As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered in }
the presence of }

[L.S.]

CHAPTER 65.

An Act to Incorporate the Snowdon Branch Railway.

[Assented to 11th March, 1879.]

WHEREAS the construction of a railway from some point Preamble
on the Victoria Railway, at or near Kinmount in the County of Victoria, to some point near the Snowdon Iron Mines, has become desirable for the development of the mineral resources of that section of the Province, and for the public convenience, and A. W. Humphreys, of the City of New York ; C. J. Pusey, of Sodus Point, in the State of New York ; Thomas Shortiss, Hugh Paine Savigny and Henry O'Brien, of the City of Toronto, in the County of York ; and Edward Major, of the Village of Port Perry, in the County of Ontario, have petitioned that an Act may be passed authorizing the construction thereof ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said A. W. Humphreys, C. J. Pusey, Thomas Shortiss Incorporation
Hugh Paine Savigny, Henry O'Brien and Edward Major, and such other persons and corporations as shall, in pursuance of this Act, become shareholders, are hereby constituted a body
M corporate

corporate and politic by the name of the Snowdon Branch Railway.

Railway Act
of Ontario to
apply.

2. The Railway Act of Ontario, chaptered one hundred and sixty-five of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices &c.," "working of the railway," "actions for indemnity, and fines and penalties and their prosecution," and "general provisions," are incorporated with and form a part of this Act, and shall apply to the said company, and the railway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said Railway Act of Ontario, so incorporated with this Act.

Line of rail-
way.

3. The said company shall have full power under this Act to construct a railway from any point in or near Kinmount to the Snowdon Iron Mines, and to such other mines as may hereafter be discovered in that section of this Province, with full powers to pass over any portion of the country between the points aforesaid; and the company shall haul or permit to be hauled over its line all traffic offered at such rates, and subject to such terms and conditions as may from time to time be settled by the Lieutenant-Governor in Council.

Gauge.

4. The said railway may be constructed of any gauge.

Form of Con-
veyance.

5. Conveyances of land to the said company, for the purposes and powers of this Act, made in the form or to the effect set out in schedule "A" hereto annexed, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and bar of dower of the persons executing the same respectively; and such conveyances shall be registered in such manner and upon such proof of execution as is required by the Registry Law of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates.

Provisional
directors.

6. The said A. W. Humphreys, C. J. Pusey, Thomas Shortiss Hugh Paine Savigny, Henry O'Brien and Edward Major shall be provisional directors of the said company.

Directors,

7. The number of directors of the said company shall be six who shall be elected annually at a general meeting of the shareholders held at the office of the company in the City of Toronto, on the first Monday in June of each year, four of whom shall form

form a quorum for the transaction of business ; the first election of directors shall be held on the first Monday of June next.

8. The provisional directors shall, until the election of the first board of directors under this Act, have full power to open stock books, to make calls upon the shares subscribed, to make surveys and locate the route of the railway, and to take conveyances of lands, and shall be vested with all other powers of boards of directors under the said Railway Act of Ontario. Powers of Provisional directors.

9. The capital of the company hereby incorporated shall be one hundred thousand dollars, to be composed of one thousand shares of one hundred dollars each, and shall be paid by the shareholders, and the money so paid shall be applied in the first place in payment of the expenses of procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied in procuring the lands for the said railway, and in the building, equipment and completion of the same and the other purposes of this Act. Capital.

10. When, and as soon as shares to the amount of ten thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in one newspaper, published in the Town of Lindsay, and in the *Ontario Gazette*, of the time, place and object of such meeting ; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect six persons to be directors of the said company, in manner and qualified as hereinafter mentioned, who, shall constitute a board of directors, and shall hold office for one year, or until their successors are elected. First election of directors.

11. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act. Application of moneys.

12. The directors for the time being may, from time to time, make calls as they think fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section ten of this Act. Calls.

13. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least five shares of the stock of the said company upon which all calls have been paid up. Qualification of directors.

Shareholders. **14.** Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Special general meetings. **15.** Special general meetings of the shareholders may be held at such places and at such times, and for such purposes as may be provided by the by-laws of the company.

Aid from municipalities. **16.** Any municipality or township or portion of any township interested in or desiring the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient; provided always that when the said bonds or debentures are granted by a portion of a township, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus, guarantee, bond or debenture shall be given except after the passing of by-laws for that purpose, and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts.

Proviso.

Petitions for aid by county municipalities. **17.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters, under the Municipal Act.

Arrangements with other railways. **18.** The company incorporated by this Act may enter into any arrangement with the Victoria Railway Company or any other railway company or companies which is or are lawfully empowered to enter into such arrangement for the construction, leasing, or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other or by both companies of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof; Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a special general meeting to be called for the purpose,

Proviso.

pose, according to the by-laws of the company and the provisions of this Act, and the company or companies leasing or entering into such agreement for using the said railway, may and are hereby authorized to, work the said railway, and in the same manner as if incorporated with their own line ; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

SCHEDULE A.

(Section 5).

Know all men by these presents that I (or we)
in consideration of _____ dollars paid to
me (or us) by the Snowdon Branch Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) _____ in consideration of _____ paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purpose of thier railway to hold with the apurtenances unto the said Snowdon Branch Railway Company, their successors and assigns (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal, (or hands and seals)
this _____ day of _____ 187 .

Signed, sealed
and delivered
in presence of }

[L.S.]

CHAPTER 66.

An Act respecting the Stratford and Huron Railway Company.

[Assented to 11th March, 1879.]

WHEREAS the Stratford and Huron Railway Company Preamble.
has petitioned the Legislature for certain amendments to its Act of Incorporation, and all other Acts amending the same or affecting the said railway company, by extending the main line or branches of the railway of the said company through _____

through the County of Bruce, to the northerly boundary thereof, and through the Great Manitoulin Island, and for certain other amendments; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation 1. Unless the context shall require a different interpretation of the words hereby interpreted, in the construction of this Act the words “the company” shall mean the Stratford and Huron Railway Company; the words “the united company” shall mean the one company and one corporation, by the corporate name assigned to it in an agreement mentioned in the eleventh section of an Act passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, and the company purchasing the railway property and rights of the other company, by the corporate name assigned to it in an agreement mentioned in the twelfth section of the last mentioned Act; and the words “the railway” shall mean the railway of the Stratford and Huron Railway Company.

The priority of first and second preference bonds to remain unaltered. 1. Nothing in this Act contained shall affect the rank, preference, or priority of the two classes of first and second preference bonds of the company, or of the united company, as the case may be, as between such two classes of bonds and the holders thereof; but each special lien by this Act attached to bonds declared to be “first preferential charges” shall be held and enjoyed by the holders thereof according to the rank, preference and priority of the said two classes of bonds;

Words “commencement of the railway” and “work shall commence on the said railway.” 2. The words “commencement of the railway” and “work shall commence on the said railway,” in this Act, in the by-laws confirmed by this Act, and in the agreements made or which shall be made in pursuance of such by-laws, shall mean the actual commencement of the construction of the said railway or of the purchase of right of way therefor or some portion thereof north of the Town of Listowel; Provided the purchase money for the said right of way, or some portion of such right of way, shall have been paid or tendered, but not otherwise; but the surveys of the route and the location thereof (the expenses whereof the trustees appointed by the statutes in that behalf to receive the debentures issued by municipalities in aid of the company are authorized and required to pay out of any funds in their hands), and the purchase of right of way shall not, nor shall either of them, be, or be deemed to be, such commencement, unless and until the purchase money for said right of way, or for some portion of such right of way shall have been paid or tendered, in which case such payment or tender shall be, and be deemed to be, such commencement.

2. The company is hereby empowered and authorized to construct and extend the railway, or construct a branch thereof, as it may deem most expedient, with all the works, stations and equipments thereof, from the Village of Wiarton, in the County of Bruce, to any point on Tobermory Bay, or any other point in or near the northerly boundary of the Township of St. Edmund, in the County of Bruce, that may seem most expedient; and from some point upon or near the easterly or southerly shore of the Great Manitoulin Island, in a westerly direction, to some point in the said The Great Manitoulin Island, or on or near the shore thereof, which may seem most expedient for establishing a terminus of the railway, or the said branch thereof; and the powers, privileges and rights, by the second section of this Act conferred, shall be held, treated, construed, and considered as if they had been conferred on the company by the original Act of Incorporation thereof, and all Acts amending and affecting the same, to the same extent and for all purposes, as if they had actually been inserted therein and formed part thereof.

Power to extend the main line or to construct a branch to the northerly boundary of the Township of St. Edmund, and in the Great Manitoulin Island.

3. The time for completion of the railway and the said branch thereof, should the same be constructed as a branch, is hereby extended for a period of seven years from the passing of this Act; and the failure of the company to complete, or to finish and put in operation any part of the line of railway, or of the said branch thereof, it has been authorized or empowered to construct, within the time or times now or hereafter limited for such purpose, shall not operate as a forfeiture of its charter; and, notwithstanding such failure, the corporate existence and powers of the company shall continue, except in so far as it relates to such portion of the line of the railway, or of any branch thereof, authorized, as shall be unfinished within the time limited, or which shall be limited, for that purpose.

Time for completion extended.

4. Whenever the company shall have purchased rails, fish-plates, bolts and nuts, and spikes, to the value of five thousand dollars, and the same shall have been placed in or upon its lands, then, and so often as the same, to the value aforesaid, shall have been so placed as aforesaid, the trustees, by the statutes in that behalf appointed to receive municipal debentures in aid of the company, who shall then fill the said office of trustees, or a majority of them, shall, within five days after notification in writing that such rails, fish-plates, bolts and nuts, and spikes have been so placed, accompanied by a certificate of the engineer for the time being of the company, stating the quantity, description, and value thereof, pay to the company the amount at which the value is so stated in the said certificate, and charge the same against any portion of the fund in their hands, for what purpose or on what terms soever it may have been so placed therein; and the value of the said rails, fish-plates, bolts and nuts, and spikes shall be stated by the said engineer at the price actually paid therefor.

Power to trustees to pay for rails and track supplies.

Penalty on engineer for granting a false certificate.

5. If the said engineer shall knowingly or wilfully certify to any false or incorrect statement of the quantity, description, or value of the said rails, fish-plates, bolts and nuts, and spikes, he shall, for each such false or incorrect statement, in addition to any other punishment by law imposed, be liable to a penalty of five hundred dollars.

Upon payment, the rails and track supplies to vest in the trustees.

6. Forthwith upon each payment so made by the said trustees under the next preceding section, the said rails, fish-plates, bolts and nuts, and spikes, in respect whereof the said payment shall have been made, shall vest in and become the property of the said trustees, to be laid, used and employed upon the railway and its construction within the limits of the respective municipality or municipalities, wherein according to the terms of the respective by-laws granting aid to the company, the money paid by the said trustees for the purchase of such rails, fish-plates, bolts, nuts, and spikes is, or shall be directed or agreed to be expended, and not otherwise or elsewhere: Provided always, that the said trustees shall not make any such payment, if by doing so the amount or percentage reserved by the by-law of any municipality for payment on the completion of the railway to the Village of Wiarton should in any way be impaired or diminished.

Previso.

Trustees to pay off liens on such rails and track supplies, and to charge the same to the company.

7. Should there be any lien, charge, or incumbrance affecting the said rails, fish-plates, bolts and nuts, and spikes, the same shall be paid by the said trustees out of the fund in their hands, and to which payment the holder of the said lien, charge, or encumbrance shall be entitled in the place and stead of, and in substitution for, his said lien, charge, or encumbrance; and such payment by the said trustees shall, to the amount or extent thereof, be considered in all respects as a payment to the company under the fourth section of this Act.

S. 39 of 36 Vic., c. 87, repealed.

8. Section thirty-nine of an Act passed in thirty-sixth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty-seven, is hereby repealed, and sections nine and ten of this Act are substituted in the place and stead thereof.

Power to purchase and hold harbours, &c.

9. It shall and may be lawful for the company, at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, harbours with their appurtenances and franchises, wharves, piers, docks, water lots and lands, the said water lots and lands not to exceed in area at any one place one hundred acres; and upon the said water lots and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses, engine houses, sheds, wharves, docks, piers, and other erections for the use of the company and the steam and other vessels owned, worked or controlled by the company, and any other steam or other vessels; and also to erect, build, repair and maintain all moles, piers,

piers, wharves and docks necessary and proper for the protection of such harbours, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and to dredge, deepen, and enlarge such harbours; and the said harbours, wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine houses, sheds, and other erections, or any thereof, or any portion thereof, in its discretion, to sell, lease or convey.

10. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work, and control and keep in repair steam or other vessels from time to time, to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals, in connection with the said railway.

Power to purchase and work vessels in connection with the railway.

11. A certain by-law of the Township of Normanby, passed by the Municipal Council thereof on the fourth day of January, in the year of our Lord one thousand eight hundred and seventy-five, and entitled "A by-law to aid and assist the Stratford and Huron Railway by a donation or free grant of debentures to the extent of fifty thousand dollars"; a certain by-law of the Township of Wallace, passed by the municipal council thereof on the thirteenth day of February, one thousand eight hundred and seventy-seven, numbered one hundred and eighty, and entitled, "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of ten thousand dollars, by way of bonus, and to provide for the issue of debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Town of Palmerston, passed by the municipal council thereof on the sixth day of August, one thousand eight hundred and seventy-eight, numbered thirty-one, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of fifteen thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Village of Harrieston, passed by the municipal council thereof, on the sixteenth day of August, one thousand eight hundred and seventy-eight, numbered fifty-three, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of twenty thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Minto, passed by the municipal council thereof on the twentieth day of August, one thousand eight hundred and

Certain by-laws confirmed.

seventy-

seventy-eight, numbered one hundred and fifty-six, and entitled "A by-law to aid and assist the Stratford and Huron Railway, by granting thereto the sum of twenty-five thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of said debentures and the interest thereon;" a certain by-law of the Township of Brant, passed by the municipal council thereof, on the third day of October, one thousand eight hundred and seventy eight, numbered ten, A. D. 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of fifteen thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Elderslie, passed by the municipal council thereof on the twenty-fifth day of November, one thousand eight hundred and seventy-eight, numbered eight, A. D. 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of thirty-five thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Normanby, passed by the municipal council thereof, on the fourteenth day of August, one thousand eight hundred and seventy-eight, numbered six, for A. D. 1878, and entitled "By-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of thirty thousand dollars, by way of bonus, and to issue debentures therefor, and authorize the levying of a special rate for the payment of said debentures and the interest thereon;" a certain by-law of the Township of Bentinck, passed by the municipal council thereof on the thirteenth day of April, one thousand eight hundred and seventy-eight, numbered three, for A. D. 1878, and entitled "By-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of thirty-five thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Arran, passed by the municipal council thereof, on the sixteenth day of November, one thousand eight hundred and seventy-eight, numbered eleven, 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of forty thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Amabel, passed by the municipal council thereof, on the eighteenth day of November, one thousand eight hundred and seventy-eight, numbered

seventy-

seventy-six, 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of forty thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" a certain by-law of the Township of Keppel, passed by the municipal council thereof, on the thirtieth day of November, one thousand eight hundred and seventy-eight, numbered one hundred and thirty-one, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of thirty thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" and a certain by-law of the Township of Albemarle, passed by the municipal council thereof, on the twenty-third day of December, one thousand eight hundred and seventy-eight, numbered seventy, A. D. 1878, and entitled "A by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto debentures to the amount of ten thousand dollars, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" and all debentures issued, or to be issued, under each and every of such by-laws shall be, and are hereby declared to be, good, valid, legal, binding and effectual; and each of the said by-laws shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof, any law, usage, or custom to the contrary notwithstanding: Provided always, that nothing in this section contained shall be construed to affect the application now pending in the Courts (Lloyd vs. Municipal Council of Elderslie), to quash the said by-law number eight, of the Township of Elderslie, and that this section shall only apply to such by-law for the purpose of declaring the same to be legal and valid, in case the Courts should not quash the said by-law on the said application.

Proviso.

12. The debentures issued or to be issued, under and by virtue of the by-law of the Township of Normanby, numbered ten of one thousand eight hundred and seventy-four, passed by the municipal council thereof, on the fourth day of January, one thousand eight hundred and seventy-five, and in the next preceding section in part recited, shall be delivered to the trustees appointed under the statutes in that behalf to receive debentures of municipalities issued in aid of the company, and not be deposited with the Treasurer of the Province of Ontario or in one of the chartered banks of the Province, as provided in the said by-law; and the municipal council of the Township of Normanby shall be at liberty notwithstanding any law to the contrary, to issue and deliver to the said trustees debentures under the by-law in this section mentioned, payable twenty years from the first day of January,

Debentures
issued under
by-law of
Normanby,
No. 10 of 1874,
to be delivered
to trustees.

ary, A. D. one thousand eight hundred and seventy nine, and such debentures if and when so issued and delivered shall be good, valid, legal, effectual and binding upon the corporation of the said Township of Normanby.

Schedule A in
36 Vic., c. 87,
repealed.

Proviso.

13. Schedule A, annexed to and forming part of an Act passed in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty-seven, is hereby repealed and annulled; and Schedule "A," to this Act annexed, shall be hereafter the schedule referred to and prescribed by section sixteen of the first mentioned Act: Provided however that all deeds and conveyances prepared and executed according to the form or effect prescribed by Schedule A, hereby annulled and repealed, shall not be affected, prejudiced, or invalidated by anything in this section contained.

Power to de-
clare certain
bonds a special
lien on the
railway be-
tween Listowel
and Wiarton.

14. The directors of the company are hereby authorized and empowered, with the sanction of its shareholders first obtained at any special general meeting of the said shareholders, duly called for that purpose, by resolution, to declare that the first bonds of the company issued after the passing of such resolution, to the amount or extent therein mentioned, and not exceeding in the whole the sum of twelve thousand dollars per mile, for each mile in length of the railway, between the point of its intersection of the northerly boundary of the Town of Listowel and the Village of Wiarton, in the County of Bruce, and in the said Village of Wiarton, shall form and be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the company, real and personal and then existing and at any time thereafter acquired, between the point where the railway shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton, and in the said village, prior to and in preference of all other bonds thereafter issued or to be issued by the company; and upon such resolution being passed by the said directors, after such sanction as aforesaid, the first bonds issued or to be issued by the company, to the extent and amount mentioned in the said resolution, shall in addition to the liens, claims, charges and encumbrances created and granted by the third, fourth and fifth sections of an Act passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, form and be taken and considered to be the first and preferential liens, claims and charges upon the undertaking and property of the company, real and personal and then existing and at any time thereafter acquired, between the point where the railway shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village; and each holder of said last mentioned bonds shall, in addition to all other powers, privileges and rights, be deemed to be a mortgagee and an encumbrancer, pro rata, with all the other holders of said last mentioned bonds, upon the undertaking and property of the company, real and personal

personal and then existing and at any time thereafter acquired, between the point where the railway shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village; and, as between the said last mentioned bonds and the holders thereof, and all other bonds which shall thereafter be issued by the company and the holders thereof, the former (the bonds first issued by the company and mentioned in said resolution) shall take rank and priority and form an incumbrance, charge and lien upon the undertaking and property of the company, real and personal and then existing and at any time thereafter acquired, between the point where the railway shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village, immediately before and prior to all other bonds which shall be issued by the company and not equally or simultaneously with them or any of them.

15. In case no bonds of the company forming special liens under the next preceding section shall then have been issued, the directors of the united company are hereby authorized and empowered, with the sanction of its shareholders first obtained at any special general meeting of the said shareholders duly called for that purpose, by resolution, to declare that the first bonds of the united company issued after the passing of such resolution, to the amount or extent therein mentioned, and not exceeding in the whole the sum of twelve thousand dollars per mile, for each mile in length of the railway of the united company between the point of its intersection of the northerly boundary of the Town of Listowel and the Village of Wiarton, in the County of Bruce, and in said Village of Wiarton, shall form and be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the united company, real and personal and then existing and at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village, prior to and in preference of all other bonds thereafter issued or to be issued by the united company; and upon such resolution being passed by the said directors, after such sanction as aforesaid, the first bonds issued or to be issued by the united company, to the extent and amount mentioned in the said resolution, shall, in addition to the liens, claims, charges and incumbrances created and granted by the statutes affecting each company or the united company, form and be taken and considered to be the first and preferential liens, claims and charges upon the undertaking and property of the united company, real and personal and then existing and at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village; and each holder of said last mentioned bonds shall, in addition to all other powers, privileges

Power to declare certain bonds of the united company a special lien on the railway between Listowel and Wiarton.

and

and rights, be deemed to be a mortgagee and an incumbrancer pro rata with all the other holders of such last mentioned bonds upon the undertaking and property of the united company, real and personal and then existing and at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton and in the said village; and as between the said last mentioned bonds and the holders thereof, and all other bonds which shall thereafter be issued by the united company and the holders thereof, the former (the bonds first issued by the united company and mentioned in said resolution) shall take rank and priority and form an incumbrance, charge and lien upon the undertaking and property of the united company, real and personal and then existing and at any time thereafter acquired, between the point where the railway of the united company shall intersect the northerly boundary of the Town of Listowel and the said Village of Wiarton, and in the said village, immediately before and prior to all other bonds which shall be issued by the united company, and not equally or simultaneously with them or any of them.

Powers under 41 Vic. c. 54, ss. 8, 9, 10, 11 and 12 not to be affected by preceding sections.

16. The above sections numbers fourteen and fifteen shall not affect or prejudice the powers, rights and privileges, granted or conferred by the eighth, ninth, tenth, eleventh and twelfth sections of an Act passed in the forty-first year of the reign of Her Majesty, Queen Victoria, and chaptered fifty-four, but the said powers, rights and privileges, may be exercised and enjoyed in respect of all bonds of the company and the united company, other than the bonds forming special liens under the said fourteen and fifteenth sections of this Act, as if the last mentioned bonds could not be issued, or if issued did not exist, and as if for the purposes of the said eighth, ninth, tenth, eleventh and twelfth sections, the bonds of the company and of the united company, other than the bonds forming special liens under the said fourteenth and fifteenth sections of this Act, were the only bonds of the company or the united company as the case may be.

S. 13 of 41 Vic., c. 54, to apply.

17. The thirteenth section of an Act passed in the forty-first year of the reign of Her Majesty, Queen Victoria, and chaptered fifty-four, and every provision thereof shall apply to all bonds in this Act mentioned or referred to as fully and effectually as if the same had been actually re-enacted and incorporated herein.

Time for commencement under by-laws of the Township of Mornington extended.

18. Notwithstanding anything contained in, and without prejudice to the right of the company to the debentures or their proceeds, under two certain by-laws of the Township of Mornington, in part recited by the twenty-fourth section of an Act passed in the forty-first year of the reign of Her Majesty, Queen Victoria, and chaptered fifty-four, and other by-laws granting

granting aid to the company, and the agreements made or which shall be made in pursuance of such by-laws, the time for the commencement of the railway and the branches thereof is hereby extended to a period of two years from the passing of this Act, and for completion of the same and any portion thereof mentioned in any of said by-laws to two years thereafter.

19. All sections and parts of sections of the Acts of the Legislature heretofore passed, in reference to the company in-^{Repealing clause.} consistent with this Act, are hereby repealed.

SCHEDULE A.

(Section 13.)

Know all men by these presents, that I (or we) (*insert name or names of the vendor or vendors,*) in consideration of

dollars paid to me, (or us,) by the Stratford and Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey; and I, (or we,) (*insert the name of the other party or parties if any*) in consideration of

dollars, paid to me, (or us,) by the said company, the receipt whereof is hereby acknowledged, Do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land, situate (*describe the land by reference to plan annexed or otherwise*) the same having been selected and laid out by the said company for the purposes of its railway, to hold, with the appurtenances, unto the said the Stratford and Huron Railway Company, its successors and assigns, (*here insert any other clauses, covenants or conditions required,*) and I, (or we,) the wife, (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal, (or hands and seals,) this day of one thousand eight hundred and

Signed, sealed and delivered }
in the presence of }

[L.S.]

CHAPTER 67.

An Act respecting certain property in the Town of Peterborough, and to amend an Act respecting the Toronto and Ottawa Railway.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Corporation of the Town of Peterborough have, by their petition, prayed for an Act to vest the lands hereinafter mentioned in the Corporation of the Town of Peterborough and the Corporation of the County of Peterborough jointly, for the purpose of a public park or square, the said lands being stated in said petition to have been granted or conveyed to the then Council of the District of Colborne as a general burying ground, and also to authorize the Corporation of the Town of Peterborough to sell and convey the building now used as a fire hall, situate on part of the Market Block, in the said Town of Peterborough, and to devote the proceeds of such sale towards the purchase of land and the erection thereon of a new fire hall ; and whereas the said corporation has also prayed that the Act respecting the Toronto and Ottawa Railway Company passed in the forty-first year of the reign of Her Majesty Queen Victoria chaptered fifty-seven, shall be amended as hereafter by this Act provided ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain lands vested in the Corporations of the Town and County of Peterborough, for a park.

1. The following lands and premises that is to say lots numbers one, two and three, south of McDonell Street and west of George Street, and lots numbers one, two and three, north of Murray Street and west of George Street, in the Town of Peterborough in the County of Peterborough, except that part thereof conveyed to the Government for the purpose of erecting thereon a drill shed, are hereby vested in the Corporation of the Town of Peterborough and the Corporation of the County of Peterborough, and their successors, jointly to hold the same upon trust for the purpose of a public park or square, for the use of the inhabitants of the said Town of Peterborough ; Provided however that nothing herein contained shall affect or in any way interfere with the lease of the said lands now held by the Agricultural Society of the West Riding of the County of Peterborough.

Proviso.

Park to be maintained by and be under control of council of own.

2. The said park or square shall be maintained by and shall be under the control of the Council of the said Town of Peterborough, who may make all necessary regulations from time to time, for the proper management and government of the same.

3.

3. It shall and may be lawful for the Corporation of the Town of Peterborough, and they are hereby authorized and empowered to sell and convey the building now used as a fire hall or engine house, and situate upon part of the Market Block, in the said Town of Peterborough, either by public auction or by private sale, and for cash or on credit, as the said corporation may deem expedient, and to devote the proceeds of such sale towards the purchase of land, and the erection thereon of a new fire hall or engine house and hose tower and of a lock-up for the said Town of Peterborough.

Corporation of
Town of Peter-
borough
authorized to
sell present
fire hall.

4. In the event of the sum realized by the sale of such building not proving sufficient for the purposes aforesaid, it shall and may be lawful for the mayor and town council, to cause to be issued debentures therefor for a sum not exceeding the sum of two thousand dollars, the same to be deemed to be a part of the debentures for the sum of eighteen thousand two hundred dollars, authorized to be issued by virtue of the Act of the Parliament of Canada, passed in the twenty-fourth year of Her Majesty's reign, chaptered sixty-one, for the purpose amongst other things of the erection of an engine house and lock-up; and such debentures shall be issued in the manner and subject to the conditions for repayment and otherwise mentioned in the said recited Act: Provided always that no debentures shall be issued under this Act for the purposes aforesaid until the by-law authorizing the same shall have been duly submitted to, and approved by the qualified electors of the said town in the manner pointed out by the Municipal Act.

If proceeds of
sale insufficient
to provide
a new fire hall
then debentures may be
issued.

Proviso:

5. In the event of the Commissioners of the Peterborough Town Trust becoming the purchasers of the said building now occupied as a fire hall, or advancing the amount of the purchase money thereof, and they are hereby authorized and empowered to make such purchase or advance, it shall and may be lawful for the said commissioners at any time thereafter to sell and convey the same as aforesaid and to apply the proceeds of such sale to replace the moneys so advanced, or in reduction of the outstanding debenture indebtedness of the said town.

Commissioners
of Peter-
borough Town
Trust author-
ized to pur-
chase fire hall
and to re-sell
same.

6. Section eight of the Act forty-one Victoria, chapter fifty-seven, is amended by adding thereto the following words; Provided, however, that this section is not intended to apply, and does not apply to or affect the fourth clause of the by-law of the Town of Peterborough, or the sixth clause of the by-law of the County of Peterborough, or to give power to the councils of either of the said corporations to reduce the amount of one million of dollars mentioned in the said fourth and sixth sections of the said respective by-laws.

41 V. c. 57, s.
8 amended.

CHAPTER 68.

An Act to incorporate the Waterloo, Wellington and Georgian Bay Railway Company.

[Assented to 11th March, 1879.]

Preamble

WHEREAS the construction of a railway from the Town of Waterloo, in the County of Waterloo, to the Village of Arthur, or to the Village of Harriston, in the County of Wellington, or to some intermediate point between the said Village of Arthur and the said Village of Harriston, via the Village of St. Jacobs and the Village of Elmira, in the County of Waterloo, and via the Village of Drayton, in the County of Wellington, has become necessary for the development of the resources of the said counties and the country adjacent thereto; and whereas Elias W. B. Snider and others have petitioned that an Act may pass for the construction of said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. Elias W. B. Snider, Isaac E. Bowman, Louis Breithaupt, Conrad Stuebing, John Ruppel, John Ratz, Joshua S. Bowman, George Allan, James Cross, Robert McKim, John Landerkin, Charles Hendry, and John Ogden, together with such persons and corporations as shall, in pursuance of this Act, become shareholders in the said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic, by the name of the Waterloo, Wellington and Georgian Bay Railway Company.

Railway Act to apply.

2. The several clauses of the Railway Act of Ontario, and the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "working of the railway," "actions for indemnity and fines, and penalties and their prosecution," and "general provisions," shall be deemed to be part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except so far as may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, so incorporated with this Act as aforesaid.

Location of line.

3. The said company shall have full power and authority under this Act to construct a railway from the Town of Waterloo,

loo, in the County of Waterloo, to the Village of Arthur, or to the Village of Harriston, in the County of Wellington, or to some intermediate point between the said Village of Arthur and the said Village of Harriston, via the Village of St. Jacobs, and the Village of Elmira, in the County of Waterloo, and via the Village of Drayton, in the County of Wellington.

4. The gauge of the said railway shall not be less than four Gauge feet, eight and a half inches.

5. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set out in the schedule A, hereto annexed, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof. Form of conveyances.

6. From and after the passing of this Act, the said Elias W. B. Snider, Isaac E. Bowman, Louis Breithaupt, Conrad Stuebing, John Ruppel, John Ratz, Joshua S. Bowman, George Allan, James Cross, Robert McKim, John Landerkin, Charles Hendry, and John Ogden shall be the provisional directors of the said company. Provisional directors.

7. The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of directors of the said company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who, upon being so appointed shall become and be provisional directors of the company equally with themselves; to open stock books and to procure subscriptions for the undertaking, to make calls upon subscribers; to cause surveys and plans to be executed; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and with all such other powers as under the Railway Act and any other law in force in Ontario, are vested in such boards. Powers of provisional directors.

8. It shall and may be lawful for the said company to pass over any portions of the country between the points in the third section mentioned, and to take and appropriate for the use of the said railway and the works connected therewith so much of the land as may be necessary for the works of the said railway. Appropriation of land.

Capital stock. **9.** The capital of the company hereby incorporated shall be fifty thousand dollars (with power to increase the same in the manner provided by the said Railway Act) to be divided into one thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such body; and the money so raised shall be applied, in the first place, for the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

First election of directors.

10. When, and as soon as shares to the amount of twenty thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in one newspaper, published in the Town of Waterloo, and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as herein-after mentioned, who, together with the ex-officio directors, under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office for one year, or until their successors are elected.

Application of moneys.

11. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

Calls.

12. The directors for the time being may, from time to time, make calls as they think fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section ten of this Act.

General annual meetings.

13. Thereafter the general annual meeting of the shareholders of the company shall be held in such place, on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given, as provided in section ten.

Special general meetings.

14. Special general meetings of the shareholders of the said company may be held in such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in section ten.

15. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company upon which all calls have been paid up. Qualification of directors.

16. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. Shareholders.

17. At all meetings of the board of directors, four shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director. Quorum.

18. It shall be lawful for any municipality, or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts. Aid from municipalities. Provide.

19. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act. Petitions for aid by county municipality.

20. In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified Petitions for aid by other than county municipality.

fied voters as aforesaid, in any portion of the said township municipality, do petition the council of the said municipality to pass a by-law in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such township municipality ;

1. For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time and on the terms specified in the said petition ;

2. For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be, sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Council to
pass by-law.

21. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

When debentures
to be issued.

22. Within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Rate assessed
on portion of
municipality.

23. In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of the municipality.

Municipal Act
to apply.

24. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality.

Rate not to
exceed three
cents on the
dollar.

25. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than
three

three cents on the dollar of the ratable property affected thereby, shall be valid.

26. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate by by-law specially passed for that purpose to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years. Exemptions from taxation.

27. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the said company, the debentures thereof shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the councils of the municipalities, which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name such trustee; in the event of the death, resignation or inability, or refusal to act of any trustee the party who originally appointed such trustee so dying, resigning or becoming incapable, or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the company may appoint such trustee. Delivery of debentures.
Proviso.

28. The said trustees shall receive the said debentures in trust: firstly, under the instructions of the directors of the company, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the Waterloo, Wellington and Georgian Bay Railway Company Municipal Trust Account, and to pay the same to the company, from time to time, on the certificate of the chief engineer of the said company, in the form set out in schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees; if the said Engineer shall knowingly or wilfully certify to any false or incorrect statements of the quantities or measurements of the work from time to time performed and estimated on, for each such false or incorrect Trusts of debentures.

correct statement, in addition to any other punishment by law imposed, such Engineer shall be liable to a penalty of two hundred dollars.

Act of two
trustees valid.

29. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to issue
bonds.

30. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipment then existing, and at any time thereafter acquired, and such holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid; Provided however, that the whole amount of such

Proviso.

issue of bonds shall not exceed in all the sum of six thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for, and delivered to the company within the Provinces of Ontario or Quebec; and Provided further

Proviso.

that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; Provided that the bonds and any transfers there-

Proviso.

of shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Transfer of
bonds, &c.

31. All such bonds, debentures and other securities, and coupons, and interest warrants thereon respectively, may be made payable to bearer, or transferable by delivery, and any holder of any such bonds, debentures or other securities, so made payable to bearer, may sue at law thereon in his own name.

Power to be-
come parties
to notes, &c.

32. The said company shall have power and authority to become parties to promissory notes or bills of exchange, and every promissory note and bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary thereof, and under the

the authority of a quorum of the directors shall be binding on the said company, and shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted. Proviso.
 Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of banks.

33. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel-pits for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land, over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section. Power to acquire whole lots.

34. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining of materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required Arbitration as to stone, gravel, &c.

35. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line Power to make sidings to gravel pits, &c.

line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to said company, except such as relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section, may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

2. When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Act respecting Railways shall not apply.

Commence-
ment and com-
pletion of
railway.

36. The railway shall be commenced within five years and finally completed within ten years after the passing of this Act.

Power to
pledge bonds.

37. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

Arrangements
with other
railways.

38. The company incorporated by this Act may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such arrangement for the construction, leasing, or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other or by both companies of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof; Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a special general meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act, and the company or companies leasing or entering into such agreement for using the said railway may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer

Proviso.

confer rights or powers upon any company which is not within the legislative authority of this Province.

39. The said railway may be constructed in sections, the first of such sections to extend from the Town of Waterloo to the Village of St. Jacobs, the second section from the Village of St. Jacobs to the Village of Elmira, the third section from the Village of Elmira to the Village of Drayton, and the fourth section from the Village of Drayton to the northern terminus of the said road, and it shall be lawful for any municipality or any portion of any township municipality to aid and assist the said company to construct any one of the aforesaid sections of the said road, to the same extent and in the same manner as such aid or assistance may be given to the whole road, under any of the clauses of this Act, and in the event of the said company failing to complete the whole of the said road within the time specified in this Act for its completion, but completing any one or more sections of the said road within the time fixed for the completion of the said road, then and in that case this charter shall remain valid and continue in force for such section or sections of the said road as may be so completed as fully and effectually as if the whole road had been completed within the specified time.

Power to build sections.

SCHEDULE A.

(Section 5.)

Know all men by these presents that I, (or we) (*insert the name or names of the vendors*) in consideration of dollars paid to me (or us) by the Waterloo, Wellington and Georgian Bay Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert name of any other party or parties*) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Waterloo, Wellington and Georgian Bay Railway Company, their successors and assigns (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and seventy

Signed sealed and delivered }
in the presence of }

(L. S.)

SCHEDULE

SCHEDULE B.

(Section 28.)

Chief Engineer's Certificate.

The Waterloo, Wellington and Georgian Bay
Railway Company's Office.

Engineer's Department, No.

A.D. 187

Certificate to be attached to cheques drawn on the Waterloo, Wellington and Georgian Bay Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I. A. B., Chief Engineer for the Waterloo, Wellington and Georgian Bay Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the of (or under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of *(here set out the terms and conditions, if any, which have been fulfilled.)*

CHAPTER 69.

An Act respecting the Whitby and Bobcaygeon Railway Extension Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Whitby and Bobcaygeon Railway Extension Company have, by their petition, prayed for certain amendments to their Act of incorporation, and for the legalizing of certain by-laws of municipalities granting aid by way of bonus to the said company ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-laws and debentures declared valid.

1. The by-laws heretofore passed by the following municipalities, viz: the Village of Bobcaygeon for twenty thousand dollars, and the Township of Verulam for twenty thousand dollars,

lars, and four thousand dollars respectively for granting aid by way of bonus to the said company shall be taken and held to be good and valid, and the same are hereby respectively confirmed and the debentures by any such by-law authorized to be issued shall, when issued, be taken and held to be good and valid debentures, and the time named in any such by-law for the commencement of the construction of the line of railway by said Act authorized to be built is hereby extended for the period of one year beyond the time named in any such by-law, and such by-law shall be read and construed as if the time therein named for such commencement had been one year beyond the time therein named for such commencement, and the same is hereby amended accordingly ; and it shall be lawful for the municipal council of any municipality that has heretofore passed any by-law or may hereafter pass a by-law, granting aid to said company by way of bonus or otherwise, and they shall have full power from time to time, to extend the time for the commencement and completion of the said line of railway ; and any such extension granted by such council shall modify and control such by-law, and be deemed part thereof, and anything in any such by-law inconsistent with any such extension shall be null and void, but the Railway Company shall not be entitled to any interest that may accrue on such Debentures during such extended period.

Time for construction named in by-laws extended.

Power further to extend time.

2. The directors of the said company may issue bonds to any amount not exceeding ten thousand dollars of lawful money of Canada, for each mile of railway, instead of five thousand dollars a mile, as mentioned in the forty-second section of the said Act, and the said section is hereby amended accordingly.

Issue of Bonds.

3. In addition to the powers contained in the fifth section of the said Act, for entering into leasing and other agreements with the Whitby, Port Perry and Lindsay Railway Company, the said company shall also have power to sell to the Whitby, Port Perry and Lindsay Railway Company the railway hereby authorized to be constructed, all lands, privileges, appurtenances, rights and property, real and personal, now or hereafter acquired by the company, upon such terms as may be agreed upon between the two companies, and either for cash or on credit, or in bonds of the purchasing company or in shares of its capital stock or partly in one or other of such modes of payment, and in the event of any such purchase, such purchasing company shall and may enjoy, exercise and enforce all the rights, powers, claims, benefits, franchises and privileges, granted or conferred on, or held, possessed or enjoyed, by such selling company, subject always to all the existing liability of such selling company to comply with the terms of any municipal by-law granting aid to such selling company ; and also subject to all other liabilities of such selling Company, but any such proposed purchase and sale shall first be approved of at a special general meeting

Sale to Whitby, Port Perry and Lindsay Railway Company authorized.

Time
extended.

meeting of the shareholders by a two-thirds majority of those present in person or by proxy : the time for commencement of the construction of said Railway is hereby extended for two years after the passing of this Act, and for its completion for three years after the passing of this Act.

CHAPTER 70.

An Act respecting the Whitby, Port Perry and Lindsay Railway Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Whitby, Port Perry and Lindsay Railway Company have petitioned the Legislative Assembly of Ontario for certain amendments to their Act of incorporation ; and whereas it is expedient to grant the prayer of the petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to purchase Whitby and Bobcaygeon Railway Extension Company's Railway.

1. The said company shall have power to buy from the Whitby and Bobcaygeon Railway Extension Company, the railway of the latter company when constructed or in process of construction, and all lands, privileges, appurtenances, rights, and property, real and personal, now or hereafter acquired by the latter company upon such terms as may be agreed upon between the two companies and either for cash or on credit or in bonds of the purchasing company, or in shares of its capital stock, or partly in one or other of such modes of payment ; and in the event of any such purchase, such purchasing company shall and may enjoy, exercise and enforce all the rights, powers, claims, benefits, franchises, and privileges, granted to or conferred on, or held, possessed, or enjoyed by such selling company subject always to all the existing liability of such selling company to comply with the terms of any municipal by-law granting aid to such selling company, and also subject to all other existing liabilities of such selling Company, but any such proposed purchase and sale shall first be approved of at a special general meeting of the shareholders of the Whitby, Port Perry and Lindsay Railway Company, by a two-thirds majority of those present in person or by proxy.

Time extended.

2. The time for the commencement of the construction of the railway to Uxbridge and Beaverton is hereby extended for three years from the passing of this Act, and for the completion the time is extended for five years from the passing of this Act.

3. It shall be lawful for the Company to extend its line of Railway to the waters of the River Scugog, from any point on its own line, or that of any other connecting line, and all the provisions of the Railway Act shall also apply to such extended line.

Extension of
line to the
River Scugog.

CHAPTER 71.

An Act to incorporate the Windsor and Essex Centre Railway Company.

[Assented to 11th March, 1879.]

WHEREAS the Municipal Council of the Town of Windsor, in the County of Essex, and the councils of other municipalities interested, have petitioned for the incorporation of a company, with authority to construct and operate a line of railway from Essex Centre, on the line of the Canada Southern Railway, in the said county, to some point on the Detroit River, within, or adjacent to, the limits of the said Town of Windsor; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. George Wilson, Charles E. Casgrain, John Coventry, James Laird, J. W. Peddie, Edward Barrett, William McGregor, John McIntosh, W. E. Wagstaff, Samuel Stover, D. B. Odette, John A. H. Campbell, and James Brien, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of The Windsor and Essex Centre Railway Company.

Incorporation.

Corporate
name.

2. The several clauses of the Railway Act of Ontario, and also the several sections thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands, and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "working of the railway," "actions for indemnity, and fines and penalties, and their prosecution," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as the same may be inconsistent with the express enactments hereof, and the expression

Certain
clauses of the
Railway Act
to apply.

pression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and amendments thereto so incorporated with this Act.

Location of line.

3. The said company and their agents shall have full power and authority to lay out and construct a double or single iron or steel railway, of such gauge as the company see fit, from any point on the Detroit River, within or adjacent to the limits of the Town of Windsor, in the County of Essex, to some point on the line of the Canada Southern Railway, at or near Essex Centre Station, with power to construct a branch or branches to the Village of Walkerville, in the Township of Sandwich East, and also power and authority to extend the main line of said railway a distance of ten miles, or thereabout, to the Village of Kingsville, on Lake Erie, in the Township of Gosfield.

Construction of wharves and warehouses.

4. The said company shall also have power to construct, on the shores of the River Detroit, or any other body of water or stream, near to the said railway, such wharves, piers, warehouses, or other works, as may be required for the use of the said company.

Power to acquire boats or vessels.

5. The said company shall have power to construct, purchase, charter, and navigate boats, or vessels of any description, on said river or body of water, in order to supply facilities for traffic to be carried on said railway, or in connection with such railway.

Provisional directors.

6. The persons named in the first section of this Act shall be, and are hereby constituted, provisional directors of the said company, of whom a majority shall be a quorum, and shall have power to fill vacancies occurring, and to add not more than five to their number, and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada, or other reliable banking establishment in the said County of Essex, all money or moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus, or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under the Railway Act of Ontario, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected, as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing

pleting their undertaking under the provisions of this Act; and if at any time a portion, or more than the whole stock, shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such shall best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at Essex Centre, or the Town of Windsor, as may best suit the interest of the company.

7. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in Schedule A, hereunder written, or to the like effect, and the same shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of conveyance.

8. The capital stock of the said company shall be fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), divided into five hundred shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking; and all the remainder of such money shall be applied to the making, equipping, completing, and maintaining the said railway, and otherwise generally for the purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality which may be affected by the said railway may, by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, a sum, not exceeding two hundred dollars, towards the preliminary expenses, which said sum, if the municipality so require, shall be refunded to such municipality from the capital stock of said company, or be allowed to it in payment of stock.

Capital stock.

9. When and so soon as one half of the capital stock (which capital stock shall not be less than fifty thousand dollars) shall

Election of directors.

shall have been subscribed, as aforesaid, and one-tenth of the amount so subscribed paid in, the said provisional directors, or a majority of them, may call a meeting of the shareholders, at such time and place as they shall think proper, giving at least two weeks notice in one or more newspapers published in the Town of Windsor, at which said general meeting, and at the annual general meetings, in the following sections mentioned, the shareholders present shall elect not less than five, nor more than seven directors, in the manner, and qualified as hereinafter provided, which directors shall constitute a board of directors, and shall hold office till the first Tuesday in June in the year following their election; and may also pass such rules and regulations and by-laws, with reference to the said company, as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meetings.

10. On the first Tuesday in June, and on the first Tuesday in June in each year thereafter, at the principal office of the said company, there shall be held a general meeting of the company, at which meeting the shareholders shall elect a like number, of not less than five, or more than seven directors for the then ensuing year, in the manner hereinafter provided; and public notice of such annual meeting and election shall be published at least two weeks previously in one or more newspapers in the County of Essex; and the election of directors shall be by ballot; and the persons so elected shall form the board of directors.

Directors may make certain payments in stock or in bonds.

11. The directors to be elected by the shareholders may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who, in the opinion of a majority of the said directors, may be, or may have been, of material aid in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not.

Special meetings.

12. Special general meetings of the shareholders may be held at any time the demands of the business of the said company may require, in the Town of Windsor, or Essex Centre, in the Township of Colchester

Ten per cent to be paid on stock.

13. No subscriptions for stock in the company shall be binding on the company, unless ten per centum of the sum subscribed has been actually paid into some chartered bank or banks, to be designated by the provisional directors pending the organization of the elected board, and by the said elected board after such organization is completed, to the credit of the company,

company, within a period to be named by either board, as the case may be.

14. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director: Provided however that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of said company, and shall have paid up the last call upon the stock. Quorum.
Proviso.

15. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions as they may see fit, no such instalment exceeding ten per centum, and the directors shall give one month's notice of such call, in such manner as they may direct. Calls.

16. The said company may receive from any government, or from any persons, or bodies corporate, municipal, or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company from government, &c.

17. It shall be lawful for any municipality, or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipality shall think expedient: Provided always, that when such bonds or debentures are granted by a portion of the township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts. Aid from municipalities.
Proviso.

18. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act. Petitions for aid by county municipality.

19. In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders who may be qualified voters under the Municipal Act. Petitions for aid by other than county municipality.
Municipal

Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid, in any portion of the said township municipality, do petition the council of the said municipality to pass a by-law in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such township municipality;

1. For raising the amount so petitioned for, by such freeholders, in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time and on the terms specified in the said petition;

2. For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be, sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Council to
pass by-law.

20. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

When debentures to be issued.

21. Within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Rate assessed on portion of municipality.

22. In case any bonus be so granted by a portion of a municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality.

23. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality. Municipal Act to apply.

24. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid. Rate not to exceed three cents on the dollar.

25. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate, by by-law, especially passed for that purpose, to exempt the said company and its property, within the said municipality, either in whole or in part, from municipal assessment or taxation, or agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty years. Power to exempt from taxation.

26. It shall and may be lawful for the council of any municipality that may grant, or that has granted, a bonus, gift, or loan to the company, or the undertaking, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses, gift, or loan. Council may extend time when bonus, gift, or loan granted.

27. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality. Laying rails on highways.

28. Whenever a municipality or municipalities shall grant a bonus to aid the said company, the debentures therefor shall, within one month after the passing of the by-law, be delivered to three trustees, one of whom shall be named by the company, one by the municipalities granting such bonuses, and one by the Lieutenant Governor in Council: Provided always that if the municipal council or councils interested shall refuse or neglect to name a trustee within two weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name and appoint such trustee; in the event of the death, resignation, or inability or refusal to act on the part of any trustee, the party who originally appointed such trustee so dying or resigning, or becoming incapable or unwilling to act, may appoint a successor, and in the event of such party failing for two weeks after notice in writing Municipal debentures, delivery to trustees. Proviso.

ing to make such appointment, the company may appoint such trustee.

Trusts of debentures.

29. The said trustees shall receive the said debentures in trust: Firstly, under the instructions of the directors of the company to deposit the same in some chartered bank of the Dominion, in the Town of Windsor aforesaid; secondly, to convert the same, or any of them, into money whenever required to do so by the directors of the company, but subject to the conditions of the by-law in relation thereto, as to time and manner, and to deposit the amounts realized from the sale thereof in such bank, in the name of the "Windsor and Essex Centre Railway Company Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in Schedule "B," hereto, or to the like effect, setting out in such certificate the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and such certificate shall be attached to the cheque to be drawn by the said trustees.

Act of two trustees binding.

30. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to issue bonds.

31. The directors of the said company, after the sanction of the shareholders or a majority thereof shall have first been obtained at any special general meeting, to be called from time to time for such purpose or purposes shall have power to issue bonds, not exceeding ten thousand dollars per mile of said railway, made and signed by the president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, pro rata, with all the holders thereof, upon the undertaking and property of the company as aforesaid: Provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further that the bonds and any transfers shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.

Proviso.

Proviso.

32. All such bonds, debentures, and other securities, and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such, so made payable to bearer, may sue at law thereon in his own name. Bonds, etc., transferable by delivery

33. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under authority of a quorum of the directors, shall be binding on the said company; and every such note or bill so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such note or bill, nor shall the president, vice president, or the secretary, be individually responsible for the same, unless the said note or notes, bill or bills, have not been issued with the sanction and authority of the directors as herein provided and enacted: Power come parties to notes, etc. Provided, however, that nothing in this section shall be construed to authorize said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Provido.

34. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, for gravel pits or for shunting of cars, maintaining or using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is run, the company can obtain at a more reasonable price or to greater advantage than by purchasing the allowance for the railway line only, the company may purchase, hold, use, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or any part thereof from time to time as they may deem expedient. Power to acquire whole lots though less would suffice.

35. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the power of this Act, to issue for the construction of this railway. Power to pledge bonds.

36. The said company shall have power to lease from any equipment company or other body, any rolling stock that may be required for use on the said railway, and may, with the sanction of a majority of the shareholders, obtained at a special meeting called for that purpose, make any contract or agreement with any person or corporation, domestic or foreign. Contracts with other companies.

37. For the purpose of constructing, working, or protecting, the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies Telegraph lines.

panies by the Act respecting electric telegraph companies are hereby conferred on the said company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to such telegraph lines constructed by the said company.

Aliens or foreign corporations may be shareholders.

38. Aliens and companies incorporated abroad, as well as British subjects and corporations may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Collecting back charges on freight.

39. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and, on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Commencement and completion of railway.

40. This railway shall be commenced within three years and completed within seven years from the final passing of this Act.

SCHEDULE "A."

(Section 7.)

Know all men by these presents that I (or we) (*insert also the name of wife or any person who may be a party*) in consideration of dollars paid to me (*or as the case may be*) by the "Windsor and Essex Centre Railway Company," the receipt whereof is hereby acknowledged, do grant and convey and I (or we), the said do grant and release all that certain parcel or tract of land, (*describe the land*) the same having been selected and laid out by the said Company for the purpose of their Railway to hold with the appurtenances unto the said "Windsor and Essex Centre Railway Company," their successors and assigns, and I (or we), the wife (*or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*), this day of one thousand eight hundred and

Signed, sealed, and delivered
in the presence of

[L. S.]

SCHEDULE "B."

(Section 29.)

The Windsor and Essex Centre Railway Company's Office,
Engineer's Department,

A. D. 18.

Certificate to be attached to cheques on the "Windsor and Essex Centre Railway Municipal Trust Account" and given under section of cap. 42 Vic.,

I Chief Engineer of the Windsor and Essex Centre Railway Company do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from No. to No.) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which sum of dollars is due and payable under this Act.

CHAPTER 72.

An Act respecting the Yorkville Loop Line Railway Company.

[Assented to 11th March, 1879.]

WHEREAS the Yorkville Loop Line Railway Company Preamble. have petitioned that an Act may be passed to amend the Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered seventy-seven; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The twenty-second section of the said Act is repealed. S. 22 of 36 Vict. c. 77, repealed.
2. Section fourteen of the said Act is hereby amended by striking out the word "five," and by inserting in lieu thereof the words "not less than five, nor more than eight." S. 14 amended.

3. It shall be lawful for the directors of the said company from time to time to appoint such and so many agent or agents in this Province or in any other part of Her Majesty's dominions as to them shall seem expedient, and may by any by-law to be made for such purpose empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the directors themselves or any Appointment of agents and delegation of powers by directors.

any of them may lawfully do, perform and exercise except the power of making by-laws, and all things done by such agent or agents, by virtue of the powers in him or them vested by any such by-law, shall be as valid and effectual to all intents and purposes as if done by such directors themselves; and any director or directors of the said company may be appointed such agent or agents.

Duplicate
Seal.

4. It shall be lawful for the said company to have and keep a duplicate seal for the transaction of such of their business in the United Kingdom of Great Britain and Ireland as the board of directors of the said company may from time to time designate, and the said seal may be used and affixed in all such cases by such officer or officers, agent or agents as the said directors may by by-law from time to time direct, and any instrument to which the said duplicate seal shall be so affixed, shall be valid and binding upon the said company.

CHAPTER 73.

An Act to incorporate the Brantford Street Railway Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS Alfred Watts, Humphrey Davis, Hugh McKenzie Wilson, Robert Twiss Sutton, Alexander D. Clement, Edward Brophay, Joseph Robinson and Alexander Fair have, by their petition, prayed for an Act of Incorporation, under the name of The Brantford Street Railway Company, for the purpose of constructing and operating street railways in the City of Brantford and the Municipality of the Township of Brantford adjacent thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
and corporate
name.

1. The said Alfred Watts, Humphrey Davis, Hugh McKenzie Wilson, Robert Twiss Sutton, Alexander D. Clement, Edward Brophay, Joseph Robinson and Alexander Fair, and such other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Brantford Street Railway Company."

Capital stock.

2. The capital of the company shall be fifteen thousand dollars, in shares of one hundred dollars each, but the capital stock may be increased by the shareholders as hereinafter provided.

3. The said Alfred Watts, Humphrey Davis, Hugh McKenzie Wilson, Robert Twiss Sutton, Alexander D. Clement, Edward Brophey, Joseph Robinson and Alexander Fair shall be the provisional directors of said company, to obtain subscriptions for stock and organize said company, and shall hold office until the election of directors as hereinafter provided for.

Provisional
directors.

4. So soon as five thousand dollars of the capital stock has been subscribed, and twenty per centum thereon paid up, the shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof, by advertisement in some newspaper published in the City of Brantford.

First
election of
directors.

5. The board of directors shall consist of seven directors, who shall be elected at the meeting to be called, as provided for in the preceding section, each of whom shall be a shareholder of not less than five hundred dollars; such election and every question to be decided at such meeting shall be by ballot, by a plurality of votes of the stockholders present, in person or represented by written proxy, each share to have one vote; the electors so chosen shall immediately elect one of their own number to be president, and another to be vice-president, which president, vice-president and directors shall continue in office for one year, and until others shall be chosen to fill their places; and if any vacancy shall at any time happen, by death, resignation, or otherwise during said year, in the office of president, vice-president, or director, the remaining directors shall supply such vacancy for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors, or such other days as may be fixed by by-law, as hereinafter mentioned.

Directors.

6. So soon as stock to the amount aforesaid shall have been subscribed, and twenty per centum thereof paid up, and the said board shall have been elected in manner aforesaid, the company may commence operations and exercise the powers hereby granted; but the company shall commence operations within two years from the passing of this Act.

Commence-
ment of opera-
tions.

7. The company are hereby authorized and empowered to construct, maintain, complete, and operate a double or single iron railway, with the necessary side tracks and turnouts, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the Corporation of the City of Brantford, and also of said Municipality of the Township of Brantford, as the company may be authorized to pass along, under and subject to any agreement hereafter to be made between the council

Powers of
company.

of

of the said city and of said Municipality the said Township of of Brantford, respectively, and the said company; and under and subject to any by-laws of the said corporation of the said city and Municipality of the Township of Brantford respectively, or either of them, made in pursuance thereof; and to take, transport, and carry passengers and freight upon the same, by the force or power of animals, or such other motive power as they may be authorized by the council of the said city and Municipality of the Township of Brantford respectively by by-law, to use; and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith, nevertheless no by-law authorizing or permitting the construction of such railway upon and along Colborne Street, in said City of Brantford, at any place between the track of the Great Western Railway Company and the bridge over the Grand River shall have any force or effect until such by-law shall be assented to by at least two-thirds of the ratepayers entitled to vote at Municipal Elections on and along the portion of Colborne Street lying between the said two points, who shall vote upon such by-law. Any such by-law may be submitted to the ratepayers entitled to vote thereon in a manner to be prescribed by by-law of the municipality, and such by-law shall provide for giving such public notice thereof as the council may think reasonable, the manner, time and place of voting thereon, and for the appointment of a returning officer, and his duties in the premises.

Manner of laying rails

8. The rails of the Railway shall be laid flush with the street and highways, and the Railway track shall conform to the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways, and the said company shall keep in good repair the portion of the street lying between and for eighteen inches on each side of the rails of said track; and in default of their so doing the said municipalities respectively may cause the same to be done at the expense and proper cost of the company.

Powers of directors.

9. The directors shall have full power to make all by-laws for the management of the company; the acquirement, management, and disposition of its stock, property and effects, and of its affairs and business; the making and collecting of calls on its stock, and forfeiture thereof for non-payment; the entering into arrangements and contracts with the said city or municipality; the declaration and payment of dividends out of the profits of the said company; the form and issuing of stock certificates, and the transfer of shares; the calling of special and general meetings of the company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company; the fares to be received from persons transported over the railway, or any part thereof; and in general to do all things that may be necessary to carry out the objects and exercise any powers incident to the company:

Provided

Provided always that the fares to be taken by the company shall not exceed for each passenger six cents for any distance up to three miles, and one cent per mile in addition for all distances over three miles up to eight o'clock in the evening, but after that hour the fares can be increased to ten cents for any distance up to three miles and two cents for each additional mile. Proviso.

10. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct. Stock to be personalty.

11. The company may purchase, lease, hold, or acquire and transfer any real or personal estate necessary for carrying on the operations of the company. Real estate.

12. If the election of directors be not made on the day appointed by this Act, the company shall not for that reason be dissolved, but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed for that purpose; and all acts of directors until their successors are elected shall be valid and binding upon the company and persons contracting with the company. Default in electing directors at proper time not to operate a dissolution of company.

13. The company may substitute sleighs or other conveyances for the railway carriages as occasion may require upon the route of their railway. Sleighs and other conveyances may be used.

14. The fare shall be due and payable by every passenger on entering the car, sleigh, or other conveyance, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car, sleigh, or other conveyance, shall be liable to a fine of not more than ten dollars, besides costs, recoverable before any justice of the peace. Fares.

15. The directors of the company may from time to time increase the capital of the said company for such amount or amounts as occasion may require; and also raise or borrow for the purposes of the company, any sum or sums not exceeding in the whole at any time the actual amount of capital stock *bona fide* subscribed and paid up, by the issue of bonds or debentures in sums of not less than one hundred dollars each, and on such terms and credit as they may think proper; and may pledge or mortgage all the property, tolls and income of the company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest thereon; and such bonds, when issued, shall be a first charge upon the said railway: Provided always that the consent of three-fourths in value of the stockholders of the company present, or represented by proxy, at said meeting shall be first had and obtained, at a special meeting to be called and held for either or both of the purposes aforesaid. Capital may be increased. Proviso.

City and Township of Brantford may agree as to construction, etc.

16. The council of the said city and of the said Municipality of the Township of Brantford and the said company are respectively hereby authorized to make and to enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of rail, the time and speed of running the cars, sleighs or other conveyances; the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion; and generally for the safety and convenience of passengers; the conduct of the servants and agents of the company; and the non-obstructing or impeding of the ordinary traffic.

City and township may pass by-laws.

17. The said city and the said Municipality of the Township of Brantford are hereby authorized to pass any by-law or by-laws, and to amend, repeal or enact the same, for the purpose of carrying into effect any such agreements or covenants and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the company, and for the enjoining obedience thereto; and also for facilitating the running of the company's cars, sleighs, and other conveyances, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

Certain clauses of the Railway Act to apply.

18. The several clauses of the Act known as the Railway Act of Ontario with respect to "interpretation," "incorporation," "general meetings," "calls," "shares and their transfer," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," (but no other clauses of the said Act), shall, in so far only as the same are not inconsistent with or repugnant to any of the provisions of this Act, be incorporated with this Act; and the expression "this Act," when used herein, shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are inconsistent with or varied by any of the provisions of this Act.

CHAPTER 74.

An Act to consolidate the debt of the County of Middlesex.

[Assented to 11th March, 1879.]

WHEREAS the Corporation of the County of Middlesex Preamble.
have by petition set forth that they are indebted to several municipalities in the said county, in the sum of sixty-five thousand four hundred and fifteen dollars, and that they owe by outstanding debentures the sum of four hundred and forty-four thousand four hundred and fifty dollars, which sums together represent the total indebtedness of the said county, being five hundred and nine thousand eight hundred and sixty-five dollars; and they desire to discharge the said indebtedness by the issue of new debentures; and whereas it is expedient that the prayer of the said petition should be granted;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the County of Middlesex may raise, Power to borrow.
by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, in this Province or in Great Britain or elsewhere, a sum of money not exceeding five hundred and nine thousand eight hundred and sixty-five dollars, exclusive of interest.

2. The said corporation, from time to time, in such manner Issue of debentures authorized.
as the council thereof shall by by-law direct, may cause to be issued debentures of the said county, under the corporate seal, signed by the warden and countersigned by the treasurer thereof, in such sums not exceeding in the whole five hundred and nine thousand eight hundred and sixty-five dollars, exclusive of interest, and payable at such periods as the council thereof shall direct but not exceeding twenty years from the respective dates of the issue thereof, and the principal sum or sums secured by such debentures, and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere, as the said council shall direct or deem expedient.

3. The proceeds of the sale of the said debentures, which may Outstanding debentures to be paid.
from time to time, as decided by the council of the said corporation, be issued under this Act, shall be applied by the said corporation in payment of the now outstanding debentures thereof and in payment of the said indebtedness to the said municipalities, and for no other purpose whatever, and the treasurer of the said county, on receiving instructions so to do from the said council, may, with the consent of the holders thereof

thereof, call in such outstanding debentures and discharge the same with the funds raised under this Act, or may substitute therefor debentures issued under this Act, as may be agreed between the holders of such outstanding debentures and the said corporation, and in like manner the said corporation may pay off or arrange with the said municipalities or any of them.

Payment, &c.,
of debentures
to be in con-
formity with
ss. 330 and
332 of R. S.
O. c. 174.

4. Except where otherwise provided by this Act the payment, satisfaction and discharge of said debentures and the providing for such payment and the issue of said debentures, and all by-laws passed in respect thereof shall be in conformity with, and as required by, either sections three hundred and thirty or three hundred and thirty-two of chapter one hundred and seventy-four of the Revised Statutes of Ontario.

Repeal of cer-
tain by-laws
prohibited.

5. Any by-law passed under this Act, authorizing the issue of the said new debentures or any part thereof, shall not be repealed until the debt created thereby and the interest thereon shall be paid and satisfied.

By-laws valid
without assent
of electors.

6. It shall not be deemed necessary to the validity of said debentures to obtain the consent of the electors of the said county to the passing of any by-law under this Act, or to observe the provisions of section three hundred and thirty-four of the said chapter one hundred and seventy-four of the Revised Statutes of Ontario, but except otherwise provided by this Act all other provisions of said chapter shall apply to said debentures and to all by-laws to be passed in respect thereof.

CHAPTER 75.

An Act respecting the debenture debt and certain property of the City of Toronto.

[[Assented to 11th March, 1879.]]

Preamble.

WHEREAS the corporation of the City of Toronto, with the consent of the citizens, have, by their petition, set forth that the rapid growth and progress of the city during the last few years, and the extensive public improvements effected in connection with the same, particularly in the matters of water supply, fire alarms, aid to railways and other public works contributing to the same have caused a corresponding expansion of the debenture debt, and that it will be conducive to the welfare and interests of the city as well as greatly facilitate its financial arrangements, to place the said debenture debt on a more satisfactory basis by a re-consolidation of the same; that the said debenture debt on the thirty-first

first day of December, in the year of our Lord one thousand eight hundred and seventy-eight (exclusive of that portion applicable to local improvements), as represented by debentures outstanding and in course of negotiation, is five million, nine hundred and seventy-seven thousand, four hundred and fifteen dollars and twenty-seven cents; that it is desirable to redeem with a portion of the sinking fund (also exclusive of that portion of said sinking fund applicable to local improvements) debentures, amounting to five hundred and thirty-six thousand, three hundred and sixty-three dollars, and ninety-nine cents, thus reducing the said general debenture debt to five million, four hundred and forty-one thousand and fifty-one dollars and twenty-eight cents; Any residue of sinking fund to be applied to the redemption of other debentures as outstanding; that it is expedient that certain expenditures made in the year of our Lord one thousand eight hundred and seventy-eight, in the light of permanent improvements, amounting to three hundred and fifty-nine thousand, three hundred and fifty-four dollars and fifty-seven cents, should be added to the said debt by an issue of debentures, which will bring the total of the said general debt sought to be re-consolidated to the sum of five million, eight hundred thousand, four hundred and five dollars and eighty-five cents; which will mature and become due and be payable as follows:

1880.....	\$201,033 32
1881.....	153,793 34
1882.....	101,406 66
1883.....	34,500 00
1884.....	63,266 64
1885.....	229,706 93
1886.....	40,200 00
1888.....	45,000 00
1889.....	400,000 00
1890.....	100,000 00
1891.....	132,000 00
1892.....	109,400 00
1893.....	41,000 00
1894.....	119,000 00
1895.....	322,159 99
1896.....	550,117 76
1897.....	1,112,033, 32
1898.....	186,526 66
1904.....	600,060 00
1906.....	899,846 66

Total as above	\$5,441,951 28
Add as above.....	\$ 359,354 57

\$5,800,405 85

That the present charges on the said debt, in providing annually the excessive rates of interest and sinking fund, at

P

which

which the debentures have been from time to time issued, form an item in the annual estimates which is oppressive and burdensome, and that a re-arrangement of the debt can be advantageously effected, and issues to replace those outstanding readily negotiated at greatly reduced annual rates; that it is further desired to place certain limitations, to the future maximum of issue of the said general debenture debt, by way of an additional guarantee to the public creditor; that to enable the issue of debentures to be hereafter made, to be of uniform date as to maturity, it is desired that the city may be relieved from the restrictions placed by statute on debentures issued for school purposes, and that it is desired to negotiate the debentures to be issued under the proposed re-consolidation at long dates extending to forty years; and whereas the said Corporation have by their said petition asked for power to sell certain of the lands comprised in certain letters-patent bearing date the twenty-first day of October, one thousand eight hundred and fifty-eight, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures by Corporation.

1. The Corporation of the City of Toronto may, from time to time, and as occasion may require or opportunity offers, pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city to an amount not exceeding in the whole six millions of dollars, or raising by way of loan upon the credit of such debentures, from any person or persons, body or bodies politic or corporate, either in Canada, Great Britain, the United States of America, or elsewhere, who may be willing to lend the same, a sum of money not exceeding in the whole the sum of six millions of dollars of lawful money of Canada.

Designation and application of debentures.

2. The debentures so to be issued shall be known and designated as the "Toronto General Consolidated Debentures," and the said debentures and all moneys arising therefrom shall be applied to redeem as occasion may offer, and as the council of the said corporation from time to time may deem expedient, the outstanding debentures in the preamble to this Act mentioned, and to pay off and extinguish the said sum of three hundred and fifty-nine thousand three hundred and fifty-four dollars and fifty-seven cents for permanent improvements, also in said preamble mentioned, and any balance or residue thereof not required for the purposes aforesaid may be applied or expended in improvements of like nature, not being street or like improvements, the whole issue of said debentures authorized to be issued by this Act, being nevertheless limited to the said sum of six millions of dollars, subject to extension only as hereafter mentioned; and it is hereby further enacted that the Toronto Water Works, and the

the lands required for the purposes thereof, and every matter and thing therewith connected, and also the several public markets and buildings, fire and police stations, fire alarm telegraphs, the several public buildings and lands connected therewith, together with all the real estate belonging to the said corporation estimated to be of about the value of five millions of dollars, save and except the property on the esplanade known as the old pumping engine lot, the lands situate on the south side of Bloor Street, the lands on the north side of St. Patrick Street, and the east side of Huron Street, and the lands known as the Clover Hill reservoir, being parts of the Furniss estate acquired by the said corporation, and also the property situate on the south side of Cecil Street and known as the Bowes property, acquired by the said corporation; and also the lands mentioned in the eighteenth section of this Act and the other lands mentioned in the letters patent, bearing date the twenty-first day of October, one thousand eight hundred and fifty-eight, together with that other portion of the lands known as ordnance lands recently acquired by the said corporation and being enclosed in the old exhibition park; and also save and except the income derived from all city property, until default shall have been made either in payment of interest or principal of any of the said outstanding debentures; shall be and they are hereby specially charged, pledged, mortgaged and hypothecated as security for the payment of all and singular the said outstanding debentures, and all and each and every of the holders of the said outstanding debentures above mentioned shall have a preferential lien, pledge, mortgage, hypothec or privilege on the said lands, water works, and property appertaining thereto, and all the said several other properties belonging to the said corporation, except as aforesaid, for securing the payment of the said debentures and the interest thereon: Provided that nothing in this Act contained shall be deemed or construed to affect or discharge any special lien or charge heretofore created by any Act of Parliament in favour of the holders of any of the outstanding debentures in the preamble to this bill mentioned upon any portion of the lands and property of the said corporation or the income derived therefrom until said last mentioned debentures shall have been redeemed, purchased or otherwise acquired by the said corporation as provided by this Act: Provided always that it shall be lawful for the said corporation, and they are hereby authorized, notwithstanding the pledge or lien as aforesaid, to sell and convey to any purchaser or purchasers any of the said lands and properties freed and discharged by such sale and conveyance of the said lien or charge and to exchange the same or any part thereof for other lands and property, and such lands and property so given in exchange shall be freed and discharged from such lien or charge, and the lands and property acquired in lieu thereof shall be charged as herein mentioned, and the proceeds of any such sale shall be applied

Outstanding
debentures a
charge on
certain
property.

Proviso.

Proviso.

applied and used only or held in trust for the redemption or payment of the said outstanding debentures in the preamble to this Act mentioned until the same are fully redeemed or paid.

Manner of
issuing de-
bentures.

3. The said debentures, so to be issued, shall be the debentures of the Corporation of the City of Toronto, and may be issued from time to time, as occasion may require, and as the council of said Corporation may think fit, and in such amounts as the said council may find expedient to secure advantageous sales, and the said debentures shall be payable within forty years from the day of the date of the respective issues thereof, at any place in Canada, Great Britain, the United States of America, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada or the United States of America, and such debentures shall be in sums of not less than one hundred dollars currency or twenty pounds sterling.

Form of de-
bentures.

4. The said debentures shall be under the common seal of the said city, and signed by the mayor and countersigned by the city treasurer of the said city, and may be in the form A in the Schedule to this Act, or as near thereto as the corporation may find convenient, according to the places where, and the money in which, the same are made payable.

Coupons and
rate of in-
terest.

5. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly, on the first day of the month of January and July in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per centum per annum.

Rate to be
levied for pay-
ment of in-
terest.

6. For the payment of the interest on the said debentures hereby authorized to be issued, there shall be annually raised, levied, and collected by the said Corporation upon the whole of the then ratable or assessable property of the said city, a rate of so much on the dollar as shall be required to discharge the interest on the amount represented by debentures issued by the said Corporation and now outstanding, or debentures issued under the authority of this Act to redeem the same, until the principal and interest of all the said debentures have become due and are fully paid and satisfied, provided that on any such outstanding debentures purchased before the maturity thereof by the said Corporation as an investment under this Act of sinking fund moneys the interest to be so raised shall not exceed five per cent. per annum, anything expressed in the said debentures so purchased or the coupons attached to the same to the contrary notwithstanding.

Sinking Fund.

7. From and after the first day of July one thousand eight hundred and seventy nine, until the first day of July one thousand

thousand nine hundred and nineteen inclusive, it shall be incumbent on the said Corporation, in addition to the said interest, to provide yearly until the debentures now outstanding as aforesaid, and the renewals thereof and the debentures issued under the authority of this Act are fully paid or satisfied, such sum as shall be sufficient to represent and provide a sinking fund of and at the rate of three quarters of one per cent., for the purpose of paying the principal of the said debentures, and to impose a sufficient rate or rates for that purpose, in addition to the other rate or rates from time to time imposed under this Act.

8. The said Corporation shall have power at any time to invest any moneys standing at the credit of the Sinking Fund created under this Act, in the redemption of the outstanding debentures of the said city authorized to be redeemable by the debentures issued under this Act, or in the redemption of the debentures issued under the authority of this Act, and no such moneys of the Sinking Fund created by this Act shall be invested in securities other than the said debentures without the sanction of the Lieutenant-Governor in Council.

Interest of
Sinking Fund.

9. All discounts on debentures purchased by the said Corporation as a sinking fund investment shall be placed to the credit of the sinking fund account, and should the Corporation redeem any of its outstanding debentures as in the last section mentioned, before maturity, the Corporation shall nevertheless continue to provide the interest on all its unmatured debentures; and the interest on such debentures as may be held by the Corporation on account of the Sinking Fund, shall be, as the said interest matures, but at a rate not to exceed five per cent. per annum, as in section six provided, placed to the credit of the said sinking fund account.

Discounts on
debentures for
Sinking Fund
and interest
thereon to be
credited to
fund.

10. The said sinking fund rate, or annual sum to be provided as aforesaid, shall be placed at the credit of the Sinking Fund by the City Treasurer of the said city, out of the first money paid to the Treasurer in each year by the collectors of taxes or by the taxpayers of the said city, and such Sinking Fund moneys shall on no account be used or applied by the said Corporation or Treasurer for any other purpose or purposes than those authorized by this Act.

Sinking Fund
moneys a first
charge on
taxes of each
year.

11. It shall and may be lawful for the Council of the Corporation of the City of Toronto, by by-law to be passed for that purpose, to remit and refund the sum of two hundred and ninety-four thousand three hundred and fifty-four dollars and fifty-seven cents, being the equivalent of six mills of the general taxation of the said City of Toronto for the year one thousand eight hundred and seventy-eight, to the ratepayers of the said city.

Council may
remit part of
rate for 1878.

Amount at credit of sinking fund may be used to redeem debentures.

12. The said corporation shall have power to appropriate the said sum of five hundred and thirty-six thousand three hundred and sixty-three dollars and ninety-nine cents now standing on the books of the said corporation, to the credit of the Sinking Fund, in the redemption of outstanding debentures of the said city, as in the preamble to this Act mentioned, and any residue in the redemption of other debentures so outstanding.

Expenses of sale of debentures.

13. All expenses attending the sale or negotiation of the debentures, issued under the authority of this Act, and all discounts thereon, if any, shall be paid out of the general revenue of the city in any year in which the said debentures are issued, or the debentures to be redeemed mature, or are otherwise procured for redemption.

By-law need not be assented to by electors.

14. The by-law or by-laws of the said corporation, passed under the authority of this Act, for authorizing renewal issues to redeem all or any of the said outstanding debentures, or for paying the said sum of three hundred and fifty-nine thousand three hundred and fifty-four dollars and fifty-seven cents in the preamble to this Act mentioned, shall not require the assent of the electors of the said city before the final passing thereof; but by-laws other than those above specified, if requiring by the Municipal Act the assent of the electors, shall be duly submitted for the same under, and as required by, such of the provisions of the said Municipal Act as relate to any such by-law.

Debentures to be valid notwithstanding any irregularities.

15. No irregularity in the form of the said debentures, or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Debenture debt limited.

16. The amount of the general debenture debt of the said City of Toronto is hereby limited to the sum of six millions of dollars, being the amount authorized by this Act, and there shall be no increase thereof until the total amount of assessable or ratable property of the said city, as the same shall appear by the assessment rolls in any year when finally revised and confirmed, exceeds the sum of fifty millions of dollars, and thereafter the increase of the general city debenture debt, shall be limited to eight per centum of such excess of ratable or assessable property over the said sum of fifty millions as shown by such assessment rolls as aforesaid, but there shall be no increase of such debenture debt beyond said sum of six millions of dollars, unless the by-law relating thereto or creating the same shall first be duly submitted to the electors for their assent under and subject to the same provisions in that behalf as are specially mentioned in section fourteen.

17. Any debentures hereafter issued by the said Corporation of the City of Toronto, under the provisions of the last preceding section or under any other statutory authority, whether for general city purposes or for school purposes may, notwithstanding anything in The Municipal Act, or the Public Schools Act contained, be issued and made payable at any time within forty years from the day of the date of the respective issues thereof.

Date of payment of debentures.

ORDNANCE LANDS.

18. The Corporation of the City of Toronto shall have the same power to sell the lands comprised in and granted to them by letters patent, under the great seal of the late Province of Canada, bearing date the twenty-first day of October, one thousand eight hundred and fifty eight, and being all and singular that certain parcel or tract of land situate, lying and being within the liberties of the City of Toronto aforesaid, being composed of part of the military reserve, within the said liberties, and which may be otherwise known as follows: that is to say, commencing at the south-east angle of the grounds granted to the Provincial Lunatic Asylum; thence southerly in continuation of the eastern boundary of the said lunatic asylum grounds, three hundred and seventy-one feet, more or less, to the north side of King Street; thence westerly along the north side of King Street to a point four hundred feet east of a line drawn at right angles to King Street and through the centre of the asylum buildings; thence southerly at right angles to King Street, four hundred and eighty-four feet, more or less, to the north side of Wellington Street; thence westerly along the north side of Wellington Street, eight hundred feet; thence northerly on a line at right angles to King Street, four hundred and eighty-four feet, more or less, to the north side of King Street; thence westerly along the north side of King Street to the line of the westerly boundary of the asylum grounds produced; thence northerly along the said produced line, three hundred and seventy-one feet, more or less, to the south-west angle of the asylum grounds; thence easterly along the southern limit of the said asylum grounds, two thousand nine hundred and eighty feet, more or less, to the place of beginning, containing about thirty-three and a half acres, or of any part or parcel thereof, as any person has with regard to the lands of which he is seized in fee simple absolute: and all sales, leases, exchanges or other dispositions thereof, or of any part thereof, heretofore made by the said corporation shall be and be deemed to have been valid notwithstanding any thing in the said patent contained: Provided that the proceeds of any such sale, lease, or other disposition or of any lands taken in exchange as aforesaid, shall form part of the Walks and Gardens Fund of the said Corporation and shall be used and applied only in the acquisition and maintenance of public parks, squares, and gardens for the use of the citizens of the said City of

Corporation empowered to sell certain lands.

Proviso.

of Toronto, save and except as to the twenty acres parcel thereof, in said letters patent reserved for exhibition grounds, the proceeds of which shall be applied in aid of the exhibition fund pursuant to the by-laws of the said corporation in that behalf.

19. This Act may be known and cited as "The City of Toronto Consolidation Debenture Act, 1879."

SCHEDULE.

FORM A.

(Section 4)

TORONTO GENERAL CONSOLIDATED DEBENTURE.

(Issued under "The City of Toronto Consolidation Debenture Act, 1879.")

No.	Province of Ontario,	£	sterling
	City of Toronto.		

Under and by virtue of "The City of Toronto Consolidation Debenture Act, 1879," being an Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, and chaptered , and by virtue of By-law No. of the Corporation of the City of Toronto, passed under the powers contained in the said Act;

The Corporation of the City of Toronto promise to pay the bearer or in the sum of £ sterling, on the day of A.D. , and the half yearly coupons thereto attached as the same shall severally become due.

[L.S.]

A. B.

Mayor,

C. D.

City Treasurer.

CHAPTER 76.

An Act to legalize a certain By-law of the Town of Strathroy.

[Assented to 11th March, 1879.]

WHEREAS the Corporation of the Town of Strathroy on Preamble.
the twentieth day of January, one thousand eight hundred and seventy-nine, passed a by-law, having first submitted the same to the electors of said municipality for their sanction, intituled "By-law number one hundred and fourteen of the Corporation of the Town of Strathroy to grant aid, by way of loan, to Richard Pincombe in the manner therein mentioned," granting aid to the said Richard Pincombe, by loaning him debentures of the said town to the amount of ten thousand dollars, and doubts exist as to the power to make such loan, and the said corporation have petitioned to have the said by-law legalized, and to be authorized to issue debentures thereunder according to the terms thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number one hundred and fourteen of the Town By-law confirmed.
of Strathroy passed on the twentieth day of January, in the year of our Lord, one thousand eight hundred and seventy-nine, intituled "By-law number one hundred and fourteen of the Corporation of the Town of Strathroy, to grant aid by way of loan to Richard Pincombe in the manner therein mentioned," is hereby legalized and confirmed and declared valid, and the said corporation is hereby authorized to issue debentures under and according to the provisions of the said by-law, and the same shall be valid and binding upon the said municipality and the ratepayers of the said town.

2. Nothing in this Act contained shall in any wise affect This Act not to affect conditions of loan to R. Pincombe.
any condition or agreement upon which the loan or any part thereof mentioned in the said by-law is to be given to the said Richard Pincombe.

CHAPTER 77.

An Act respecting Waterworks for the Town of Guelph.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Council of the Corporation of the Town of Guelph, the consent of the municipal electors thereof having been previously obtained, on the twenty-first day of October, one thousand eight hundred and seventy-eight, finally passed a by-law numbered three hundred and fifteen, intituled "A By-law to authorize the construction of Waterworks for the Town of Guelph;" and whereas the said by-law has been acted upon by the election of commissioners thereunder; and whereas the said corporation have by petition asked for further and other powers than are contained in said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law for
the construc-
tion of water-
works declared
valid.

1. The by-law passed by the Municipal Council of the Corporation of the Town of Guelph on the twenty-first day of October, one thousand eight hundred and seventy-eight, intituled "A By-law to authorize the construction of Waterworks for the Town of Guelph," and numbered three hundred and fifteen, is hereby declared to have been duly and legally passed, and to be valid and binding on the said municipal council and the corporation and the inhabitants and ratepayers of the said town, and to be a sufficient compliance with the provisions of the Municipal Act so as to give effect to the same and to authorize the construction of the said waterworks, and the election of commissioners thereunder, and the issue of debentures thereby authorized to be issued by the said corporation of the Town of Guelph to the amount of seventy-five thousand dollars named in the said by-law as the amount of the debt intended to be created by the construction of the said waterworks.

Corporation of
Guelph may
construct
waterworks.

2. The Corporation of the Town of Guelph, by and through and with the consent of the said commissioners and their successors to be elected and appointed as hereinafter provided, may, and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage and conduct waterworks and all buildings, materials, machinery, and appliances therewith connected or necessary thereto in the Town of Guelph and parts adjacent as hereinafter provided.

3. The said commissioners and their successors shall be a body corporate under the name of "The Water Commissioners for the Town of Guelph," and the said water commissioners shall have all the powers necessary to enable them to build the water works hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Commissioners to be a body corporate.

4. It shall be the duty of the said water commissioners to examine, consider, and decide upon all matters relative to supplying the said Town of Guelph with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

Duty of commissioners.

5. The said water commissioners shall have power to employ engineers, surveyors, and such other persons, and to rent or purchase such lands and buildings, waters, and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Powers.

6. It shall, and may, be lawful for the said water commissioners, their agents, servants, and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Guelph, or within ten miles of the said town, and to survey, set out, and ascertain, such parts thereof as they may require for the purposes of the said waterworks, also to divert and appropriate any river, ponds of water, spring, or stream of water therein as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands and those having a right in the said water for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water commissioners, and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely, the said water commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid the Judge of the County Court of the County of Wellington shall, on application by either party, appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this province, or shall refuse to appoint an arbitrator on his or her behalf, or in case such lands, or water privileges be mortgaged or pledged to any person or persons, the Judge of the said County Court, on application being made to him for that purpose by the

Power to enter on lands, appropriate streams, contract, etc.

Arbitration.

Proviso.

the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final, and the said arbitrators shall, and they are hereby required to attend at some convenient place, at or in the vicinity of the said town to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award, and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, in and for the said County of Wellington, well and truly to assess the value or damages between the parties to the best of his judgment, and the Justice of the Peace before whom the said arbitrators, or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect: Provided always that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same, and in default of such payment, the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Lands, privileges and works vested in Corporation of Guelph.

7. The lands, privileges, and water, which shall be ascertained, set out, or appropriated by the said commissioners, for the purposes thereof, as aforesaid, shall thereupon and forever thereafter be vested in the Corporation of the Town of Guelph, and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect, and maintain, in and upon the said lands, all such reservoirs, waterworks and machinery requisite for the said undertaking, and to convey the water thereto and therefrom, in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and waterworks and the springs, streams, rivers or ponds, or waters, from which the same are procured, and the said Town of Guelph, by one or more lines of pipes, as may from time to time be found necessary; and for the better effecting the purpose as aforesaid, the said commissioners, and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands, intermediate as aforesaid, and the same to cut and dig

dig up, if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the ways, railways and roads within ten miles of the Town of Guelph, and in, through, over and under the public highways, streets, lanes, railways or other passages within the said Town of Guelph, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic, or collegiate, or any lands of the Crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners, or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the Town of Guelph, or for the uses of the corporation of the said town, or of the proprietors or occupiers of the land through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners, or their successors, shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by arbitration as aforesaid, and all such waterworks, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said Corporation of the Town of Guelph.

8. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commissioners, or their managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run to waste or useless, out of the said works; or if any person shall throw or deposit any injurious, noisome, or offensive matter into the said water or waterworks, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with costs of conviction, one-half to be applied to the use of the commissioners for waterworks purposes and the other half to him or her who shall lay information; and, in case the parties suing for the same shall be the commissioners themselves, or any of their servants, officers, agents, or workmen,

workmen, then the whole of the said penalty shall be applied to the use of the commissioners for waterworks purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the County of Wellington for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law at the suit of the commissioners, to make good any damage done by him, her, or them.

Accounts to
be kept and
returns made.

9. Before entering upon the duties of their office, the said commissioners and the clerks employed in their service, shall be sworn before a justice of the peace to the faithful performance of their duties, and the said commissioners shall keep, or cause to be kept, regular books of account and books for recording the whole of their official proceedings, and all such books shall be open to the examination of any member of the Town Council of the Town of Guelph, or of any person or persons appointed for that purpose by the Corporation of the Town of Guelph, or to any ratepayer of the said Town, and the said commissioners shall annually, on or before the thirty-first day of December, in each and every year, make a report to the Corporation of the Town of Guelph of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Further state-
ments when
required.

10. The commissioners and their successors shall, from time to time in each year, deliver to the council of the said corporation such other statement of the affairs of the said waterworks as the said corporation may consider necessary, and which will afford to the citizens of the Town of Guelph a full and complete knowledge of the state of affairs of the said waterworks, and such information as may be required by the Corporation of the Town of Guelph, and all the accounts relating to the said waterworks shall be audited by the auditor of the said Town of Guelph in regular course.

Power to regu-
late use of
water.

11. The commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places, as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion: Provided always that all hydrants, conduits, or other appliances which the Corporation of the Town of Guelph may require under this Act for the purpose of extinguishment of fires, shall be placed as the Corporation of the Town of Guelph shall direct, and shall be under their exclusive control and direction when erected.

Proviso.

12. The sum payable by the owner or occupant of any house, tenement, lot, or part of a lot, for the water supplied to him there, or for the use thereof, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable; and the water commissioners shall also have power and authority, from time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs, and public buildings; and in order to prevent the waste of water, and settle disputes arising therefrom, as to the quantity supplied to any consumer, the same commissioners are hereby empowered to erect or place water meters, or other water-measuring apparatus, on the premises of the consumer whenever they may deem it expedient so to do, the cost thereof to be borne by such consumer.

Rates to be a lien on property.

13. The water commissioners shall have power, from time to time, to make and enforce all necessary by-laws, rules, and regulations for the general maintenance, or the management or conduct of the said water works, officers, and others employed by them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times (which shall be quarterly) when and the places where the same shall be payable, also for allowing a discount for prepayment, and in case of default in payment to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found, within the Town of Guelph or the County of Wellington, or of any goods and chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of town taxes, and the costs chargeable shall be those payable to bailiffs under the Division Court Act: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises, and in the event of any such rate uncollected and unpaid, and continuing a lien upon the premises, as hereinbefore provided, the amount of such rate so in arrears shall be returned by the commissioners to the Treasurer of the Town of Guelph annually, on or before the eighth day of April in each and every year, and the same, together with interest, at the rate of ten per centum per annum thereon, shall thereupon be collected by such treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes.

Power to make and enforce by-laws.

Proviso.

14. The commissioners may prosecute or defend any actions or process at law or in equity, by the name of "The Water Commissioners of the Town of Guelph," against any person

Commissioners to sue and be sued.

or

or persons, for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass, or nuisance, done or suffered, to the water courses, source of water supply, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Power to employ town collectors and others.

15. The commissioners shall have power, with the consent of the Corporation of the Town of Guelph, to employ the town collectors, assessors, and without such consent such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners at the pleasure of the commissioners, or as they shall determine by by-law in that behalf, and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the Town of Guelph may by law possess and enjoy.

Protection in exercise of office.

16. The commissioners and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties as justices of the peace now have under the laws of this Province.

Penalty for drawing off water.

17. If any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the said waterworks, or in any way obtain or use any water thereof, without the consent of the commissioners, he or they shall forfeit and pay to the commissioners, for waterworks purposes, the sum of fifty dollars, and also a further sum of five dollars for each day, or part of a day, or night, or part of a night, during which such pipe or main shall so remain, which said sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Penalty for fouling water.

18. If any person shall bathe, or wash, or cleanse any cloth, wool, leather, skin, or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the said waterworks is obtained, or shall convey, or cast, or throw, or put any filth, dirt, dead carcase, or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer, or drain, to run or be conveyed into the same, or cause any other thing

to

to be done whereby the water therein may be in any way tainted or fouled, every such person shall, on conviction thereof before any justice of the peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for waterworks purposes and the other half to him or her who shall lay the information; and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the uses of the commissioners for waterworks purposes, and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of said county, for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet.

19. It shall and may be lawful for the commissioners, and they are hereby authorized and empowered, to make such by-laws as to them shall seem requisite and necessary for prohibiting, by fine not exceeding twenty dollars, for waterworks purposes, or imprisonment not exceeding one calendar month, (the amount of such fine and the duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceedings may be taken for enforcement thereof), any person, being occupant, tenant, or inmate of any house supplied with water from the said waterworks, from lending, selling, or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting, or improperly wasting the water, as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate, or determine, for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied.

Power to impose penalties for the wrongful use of water, and to regulate supply.

20. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered with the consent of the owner of the premises, to lay the service pipes across such vacant space, and charge the cost of the same to said owner such charge to be payable with the first payment of water rates, and to be collected in the same manner from the said owners.

Vacant spaces chargeable.

Service-pipes,
etc., to be under
control of
commissioners

21. The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein by the commissioners, shall be under their control, and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or the owner of the premises; the stopcock placed by the commissioners inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent flooding of the premises.

Taps.

22. All parties supplied with water by the commissioners may be required to place only such taps for drawing and shutting off the water as may be approved of by the commissioners.

Non-liability
for breakage
or stoppage.

23. Neither the water commissioners nor the Corporation of the Town of Guelph shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains, or to tap the pipes: Provided reasonable notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Proviso.

Right of access.

24. It shall be lawful for the officers of the water commissioners, and every person authorized by them for that purpose, to have free access, at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Penalty for
interfering
with hydrants,
etc.

25. If any person or persons, not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock, chamber, or hydrant chamber, by placing on it any building material, rubbish, or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace, forfeit and pay, for each offence, a sum not exceeding twenty dollars, to be applied to the use of the commissioners for waterworks purposes, or, in default of payment, be imprisoned in the common gaol of the county for a term not exceeding thirty days; and each time the said hydrants are so interfered with, and each day, or part of a day, night, or part of a night, such obstruction shall continue shall be considered a separate offence.

Quorum.

26. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

27. The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs and partially built portions of the town, by allowing a deduction from the price charged for the water, to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties, under the directions of the commissioners, and subject to their approval; or the commissioners may lay the pipes, charging the said parties, in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

Extension in suburbs.

28. The water commissioners shall have power and authority to supply any corporation, person or persons, with water, although not being resident within the Town of Guelph, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well within the suburbs of as within the Town of Guelph, and they may also, from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided that no power shall be exercised under this section without the consent and approbation of the Corporation of the Town of Guelph.

Authority to supply water outside of towns.

Proviso.

29. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining or belonging to the waterworks shall be exempt from taxation, unless the Corporation of the Town of Guelph by by-law shall direct that they be liable to taxation.

Property exempt from taxation.

30. If any action or suit be brought against any person or persons, for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then, within one year after the original cause of such action arising.

Limitation of actions.

31. The watchman and other officers of the water commissioners, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authority of officers of the peace.

Powers of officers.

32. The debentures authorized by the said by-law and this Act may be made payable either in sterling or currency in this Province, Great Britain or elsewhere, Provided, that no sterling debenture shall be for less than twenty pounds. And, for the purposes authorized by this Act, the Corporation of the said Town of Guelph shall have power to issue debentures of the said town, to be called waterworks debentures, for an additional sum of money not exceeding twenty-five thousand

Debentures.

sand dollars of lawful money of Canada, in such sums and payable, with interest, in manner aforesaid, and in the said by-law contained; and the said Corporation of the Town of Guelph shall raise, levy, and collect, in each year, upon all the ratable property in the said town during the continuance of the said debentures, or any of them, an equal and special rate, for the purpose of paying the annual instalments and the interest of the said last named debentures, or for the purpose of providing a sinking fund for the payment of the same; Provided always, that all the provisions of the Municipal Act as to by-laws for raising on the credit of the municipality money not required for its ordinary expenditure and not payable within the same municipal year shall apply to any by-law for raising upon the credit of the said municipality any portion of the said twenty-five thousand dollars, such provisions being those which require and relate to the assent of the electors and otherwise.

Proviso.

Deposit of debentures.

33. Such debentures, when issued, shall be deposited in some of the chartered banks having an office in the Town of Guelph, and the proceeds of such debentures shall be paid into some chartered bank, and kept separate from any other funds of the said town, and the same shall only be paid out on the cheque of the mayor and treasurer for the time being of the Town of Guelph, and the chairman for the time being of the said water commissioners, as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said waterworks: Provided always that nothing herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the contractor or contractors, or others, in debentures, either at par or at such rate of discount as the commissioners shall, in their judgment, deem advisable, with the assent of the Corporation of the Town of Guelph thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Guelph.

Proviso.

Works to be liable for moneys borrowed.

34. The said waterworks to be erected and constructed under this Act, and also the lands to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon, and all, each, and every of the holders of the debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, or hypothec or privilege on the said lands, waterworks, and property appertaining thereto

for

for securing the payment of the said debentures and the interest thereon.

35. After the construction of the works all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said waterworks, to be acquired by the said corporation under this Act, shall, after providing for the expenses attendant upon the maintenance of the said waterworks, be paid over to, and deposited monthly with, the treasurer of the said corporation of the Town of Guelph, as hereinbefore provided, and shall make part of the general funds of the corporation and may be applied accordingly. Revenues to be paid over

36. The Corporation of the Town of Guelph may dispose of any real or personal property acquired by them for waterworks purposes, when no longer required, and, until sold, demise, and lease the same. Sale of property when no longer required.

37. No irregularity in the passing of any by-law under this Act, or in the forms of the said debentures authorized by this Act in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any, or either of them, or any part thereof. Irregularity not to invalidate debentures.

38. There shall not be less than three nor more than five water commissioners, as may be decided by the council of the town, of whom the Mayor of the Town of Guelph for the time being shall be *ex officio* one, and the others of whom shall be elected by the ratepayers of the said town qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided, and the remuneration of the said commissioners shall be such as the Council of the Corporation of the Town of Guelph may by by-law before their election determine; Provided always that, the three commissioners elected under the said by-law shall be commissioners under this Act for the current year Commissioners to be three or five.

39. The said water commissioners shall hold office for the term of one year, except the commissioners for the current year who shall hold office until the third Monday of January next, and after the said first election the commissioners shall be elected to the said office at the same time and in the same manner as councilmen, and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to councilmen, shall apply in all particulars, not inconsistent with this Act, to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise. Commissioners to hold office for one year.

Commission-
ers may resign.

40. A water commissioner may resign his office and shall cease to hold office for the same cause as by municipal law the seat of a councilman in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the Council of the Corporation of Guelph shall appoint a person to fill that vacancy, and the person so appointed shall hold office for the residue of the time for which his predecessor was elected or appointed for which the office is to be filled.

Time of com-
pletion.

41. The said waterworks shall be constructed, completed, and finished, except as to the laying of additional pipes and mains, within three years from the passing of this Act.

Work to be
performed by
contract.

42. All work under the commissioners shall be performed by contract.

Commissioner
or councilman
not to hold
any contract.

43. No commissioner or councilman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them; no councilman shall be eligible for election or appointment as a water commissioner, and no water commissioner as councilman, except as provided by section thirty-eight of this Act.

Property
qualifications
of commis-
sioner.

44. The water commissioners shall have the same property qualifications as by municipal law councilmen are required to have over and above all encumbrances, and shall, before taking office and within ten days of their election or appointment, make oath to such qualification, before some justice of the peace of the County of Wellington, and deposit the same with the Town Clerk of the Corporation of the Town of Guelph.

Corporation
may assume
works or re-
move commis-
sioners.

45. The corporation of the town may at any time assume the works, remove the commissioners and proceed with the works as if the corporation had originally undertaken the said works, but such assumption must be by by-law of the said corporation, to be approved of by the municipal electors of the Town of Guelph; a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof) and a notice of the time appointed for taking a poll of the electors on the proposed by-law to be published for one month in some newspaper in the Town of Guelph, such poll of the electors to be held in the same manner and at the same place, and continued for the same time as at elections for councilmen, and a majority of the electors voting at the poll to vote in favour of the by-law, and the by-law to be thereafter passed at some meeting of the Council of the Corporation of the Town of Guelph, held not less than ten days nor more than one calendar month after taking the said vote; the council of the town shall name the returning officers and poll clerks to take the votes; the electors entitled to vote shall be such ratepayers only as are voters on the last revised assessment roll

Qualification
of voters.

roll of the Town of Guelph for an estate of freehold, either legal or equitable of sufficient value to entitle them to vote at any municipal election, or of leasehold the duration of, which shall not be less than ten years or for life, and in the lease for which leasehold the lessee covenants to pay all town taxes, and the clerk shall furnish the returning officers with a verified list of the electors; any ratepayer offering to vote on any such by-law may be required by the returning officer or any ratepayer entitled to vote on any such by-law to make the following oath or affirmation before his vote is recorded:—
 I. A. B., do solemnly and sincerely make oath (or affirm as the case may be) that I am the person named or purporting to be named in the list of electors, that I am a freeholder or leaseholder (as the case may be) (and if the person votes as a leaseholder, then insert these words), that my lease extends for the period of ten years from the time of making this oath or affirmation, (or for life) that I am bound in such lease to pay all town taxes and that I am, according to law, entitled to vote on the said by-law. Any elector may vote in each ward of the town in which he shall have the necessary qualification: every returning officer shall on the day after the closing of the poll return his poll-book verified to the clerk of the Town of Guelph and in case of the loss or destruction of the poll-book deliver a statement under oath of the number of votes for and against the said by-law at the time of the loss or destruction of the poll-book; the town clerk shall add up the number of votes, for and against the same, and certify to the council whether the majority have affirmed or disapproved of the by-law.

Oath

46. No person shall be held to be disqualified from being elected or sitting as a member of the Council of the Corporation of Guelph by reason of his being a taker or consumer of water supplied by the Commissioners or the Corporation of the Town of Guelph, or by reason of any dealing or contract with the Commissioners of the Corporation of the Town of Guelph with reference to the supply of water to such person.

Taking water not to disqualify for city council.

CHAPTER 78.

An Act respecting the Water Works of the City of Ottawa.

[Assented to 11th March, 1879.]

WHEREAS the Corporation of the City of Ottawa have petitioned that all the powers, privileges and authorities conferred upon or given or granted to the Board of Water Commissioners

Preamble.

Commissioners of the said city may be vested in the said corporation of the City of Ottawa; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power of,
Water Works
Commission-
ers transferred
to Corpora-
tion.

1. All and singular the powers, privileges and authorities by the Act of the Legislature of the Province of Ontario, passed in the thirty-fifth year of Her Majesty's reign, chaptered eighty, and intituled "An Act for the Construction of Waterworks for the City of Ottawa," and another Act to amend the same, passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred and four, and intituled "An Act to Amend the Act for the Construction of Water Works for the City of Ottawa," and also another Act passed to amend the first mentioned Act, passed in the thirty-seventh year of Her Majesty's reign, chaptered seventy-six, intituled "An Act to enable the Corporation of the City of Ottawa to issue debentures for a further sum of money to complete the construction of Water Works in the City of Ottawa," and by another Act to amend said first mentioned Act, passed in the fortieth year of Her Majesty's reign, intituled "An Act to Amend the Water Works Act of the City of Ottawa," or either of them conferred, given and granted to the Water Commissioners for the City of Ottawa, shall, save only as they may be varied by this Act, from and after the passing hereof, be conferred upon, vest in, and be exercised by the Corporation of the City of Ottawa, which, through its council, shall in all respects and in every particular occupy the place and position of the said Water Commissioners for the City of Ottawa, and be liable for their engagements and contracts, and be entitled to the benefit of all contracts, engagements, and securities entered into with the said Water Commissioners for the City of Ottawa, and be entitled to sue thereon in the corporate name of the said City, and all properties, real or personal, before taken or held by, or for the benefit of, the said Water Commissioners for the City of Ottawa, whether for the purposes of said Water Works, or of Fire Alarm Telegraph or otherwise howsoever, shall, from the passing of this Act, vest absolutely in the Corporation of the City of Ottawa, and all and singular the enactments in relation to the said Water Works and Fire Alarm Telegraph, and the management thereof in the said Acts or either of them contained, the penalties thereby imposed, and the powers thereby granted to Justices of the Peace, the powers to pass all necessary by-laws, rules and regulations, and to enforce the same, are hereby re-enacted as fully as if the same had been repeated herein, save only as they are modified or altered by this Act: Provided also that the words "The Corporation of the City of Ottawa" shall be substituted for the words "Water Commissioners for the City of Ottawa," and for the words "Water Commissioners," and also the word "a Commissioner," wherever the said words or word

Proviso.

word or any of them occur in the Acts hereinbefore referred to or any of them ; Provided always, however, that all such properties real or personal and all revenues hereby vested in or transferred to the said corporation of the said City of Ottawa shall remain and continue subject to all lawful liens, charges, and incumbrances now existing thereon. Proviso.

2. The Corporation of the City of Ottawa shall, through its council, have full power and authority to exercise all and singular the said powers, privileges and authorities, but subject to all the duties and obligations imposed upon the said Water Commissioners for the City of Ottawa, and in addition thereto shall have the power to extend, enlarge and alter said Water Works and the said Fire Alarm Telegraph as fully and to the same extent as the said Water Commissioners for the City of Ottawa might, or could do if this Act had not been passed, and all the powers, privileges and immunities granted by the said recited Acts, or any of them, to the agents, officers, watchmen or workmen of the said Water Commissioners, are hereby granted and continued to the agents, officers, watchmen and workmen of the Corporation of the City of Ottawa that may hereafter be employed by the said Corporation on or about the said Water Works, or on or about the said Fire Alarm Telegraph. Powers of Corporation.

3. The Council of the Corporation of the City of Ottawa shall immediately after the passing of this Act, and on the third Monday in the month of January in each and every year thereafter, or as soon thereafter as possible, by resolution appoint for the then current year a committee of aldermen, composed of one from each of the wards of the said city, which said committee shall be called "The Water Works Committee," and which shall attend to and discharge, subject to the approval and according to the directions of the said council, all the duties hitherto required by the said Acts, or any of them, to be attended to or discharged by the Water Commissioners in said Acts mentioned, and in case of any vacancy or vacancies from time to time occurring in said Committee, the same shall be immediately filled up by the said Council from the Aldermen of the ward or wards not then represented in said Committee. Appointment of Water Works Committee.

4. There shall be no special exemption, remission or reduction of water rates made or ordered by the said council or the said committee. Filling of vacancies.

5. Nothing herein contained shall affect, annul or make void any matter or thing done or agreed to be done, or any obligation or liability incurred or agreed to be incurred under the said Acts or either of them. No reduction or remission in water rates.

Taking water
not to disqual-
ify for city
council.

6. No person shall be held to be disqualified from being elected or sitting as a member of the Council of the Corporation of the City of Ottawa, by reason of his taking or using the water supplied by the said Water Works, or by reason of his having any contract with the Corporation of the City of Ottawa in respect of such taking or using.

Unpaid rates

7. In the event of any water rates or rents in respect of the taking or using of the water supplied by said water works being heretofore, now, or hereafter uncollected and unpaid, the same shall be a lien upon the premises in respect of which the said water has been and is supplied, and the amount of such rates or rents in arrear shall be returned by the chairman of the said committee to the treasurer of the said city annually, on or before the first day of December in each and every year, and the same together with interest thereon at the rate of ten per centum per annum shall thereupon be collected by such treasurer by the sale of the lands and premises, in the same manner and subject to the same provisions, as in the case of the sale of non-resident lands for arrears of municipal taxes.

Time Act to
come in force.

8. This Act shall come into force and effect on and after the first day of May next after the passing thereof.

CHAPTER 79.

An Act to legalize certain By-laws of the City of St. Catharines and to amend the several Acts relating to the Water Works of said city.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the City of St. Catharines, in pursuance of an Act passed by the Legislative Assembly of the Province of Ontario, in the forty-first year of Her Majesty's reign, chaptered thirty-nine, and intituled "An Act respecting the City of St. Catharines," have under the authority of section one of said Act passed by-law number two hundred and sixty-six to enable them to raise by the issue of debentures the sum of seventy-five thousand dollars to pay the indebtedness already incurred for the completion of the Water Works of said city, and have under the authority of section four of said Act, passed by-law number two hundred and sixty-five to raise by the issue of debentures the sum of twenty-two thousand dollars for the purchase of market grounds and the erection of public buildings thereon; and whereas debentures have been issued under the authority of said by-laws to the extent of seventy-five thousand dollars and twenty-two

two thousand dollars respectively, and doubts have arisen as to the validity of said by-laws by reason of their not having received the assent of the electors of said city before the final passing thereof, and as to the validity of the debentures issued under said by-laws, and it is expedient in the interest of the public and the holders of said debentures, that all such doubts should be removed, and that such by-laws and debentures should be legalized and confirmed; and whereas the said City of St. Catharines have by their petition prayed that certain amendments should be made to the Act passed in the twentieth year of Her Majesty's reign, chaptered ninety-one, and the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-seven, so as to enable the Water Works Commission of the said City of St. Catharines to levy and collect water rates, and for other purposes: and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number two hundred and sixty-six of the said City of St. Catharines, passed on the twenty-second day of April, in the year of our Lord one thousand eight hundred and seventy-eight entitled "A by-law to provide for the issue of debentures for seventy-five thousand dollars for the construction and completion of Water Works," and by-law number two hundred and sixty-five of said city, passed on the twenty-second day of April, in the year of our Lord one thousand eight hundred and seventy-eight, entitled "A by-law to provide for the issue of debentures for twenty-two thousand dollars for the purchase of grounds for market purposes, etc.," and the debentures issued thereunder, and all acts done in pursuance thereof, are hereby legalized and declared valid and binding, upon and against the said City of St. Catharines and the ratepayers thereof notwithstanding any irregularity in the passing of the said by-laws, or preliminary to the passing thereof.

By-laws and
debentures
legalized.

2. Section eight of chapter ninety-one of the Act passed in the twentieth year of Her Majesty's reign, intituled "An Act for the construction of Water Works in the Town of St. Catharines," is hereby amended by striking out of the first line of said section the words "Board of Commissioners," and substituting therefor the words "Water Works Commission of the City of St. Catharines," and by striking out the words "Mayor and Town Council of the Town of St. Catharines," in the eleventh and twelfth lines of said section and substituting the words "The Council of the Corporation of the said City of St. Catharines."

20 Vic., c. 91,
s. 8, amended.

20 Vic., c. 91,
s. 9 repealed.

3. Section nine of said chapter ninety-one passed in the twentieth year of Her Majesty's reign is hereby repealed, and the following enacted in lieu thereof:

New section.

(9.) The said Water Works Commission shall have power and authority, from time to time, to fix the price, rate, or rent, which any owner, or occupant, of any house, tenement, lot, or part of a lot, or both, in, through, or past which the water pipes shall run, and who shall in respect thereof be consumers of water supplied by said commissioners, shall pay as water rate, or rent, having due regard to the assessment, and to any special benefit and advantage, derived by said owner and occupant, or conferred upon him, her, or their property by the Water Works and the locality in which the same is situated, and such water rate or rent as shall be assessed by said Water Works Commission, upon such owner, or occupant, shall be and continue a lien and charge (unless paid) upon such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable, and the said Water Works Commission shall have power and authority, from time to time to fix the rate or rent, to be paid for the use of the water by hydrants, fire plugs, and public buildings.

39 Vic., c. 47,
s. 13, repealed.

4. Section thirteen of said Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-seven, intituled "An Act to amend the Act for construction of Water Works in the Town of St. Catharines," is hereby repealed and the following enacted in lieu thereof:

New section.

(13.) All water rates and rents when collected, less disbursements, by the commissioners shall be paid to the Treasurer of the City of St. Catharines and by him placed to the credit of the Water Works Commission, and the commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance, or the management or conduct of the said Water Works, officers and others employed by them, not inconsistent with this Act, and for the collection of said water rents, and water rates, and for fixing the time or times (which shall be quarterly) when, and the places where, the same shall be payable, also for allowing discount for prepayment, and in case of default of payment, to enforce the payment by shutting off the water or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner, or occupant, or any goods or chattels in his or her possession wherever the same may be found within the said city, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant thereof, such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of taxes in said city, and the costs chargeable shall be those payable

payable to bailiffs under the Division Court Act, provided Proviso. that the attempt to collect such rates, or rents, by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises, and in the event of any such rates or rents remaining uncollected, and unpaid, and continuing a lien upon the premises as hereinbefore provided the amount of such rates or rents in arrears, shall be returned by the commissioners to the treasurer of said city annually, on or before the first day of May in each and every year, and the same together with interest thereon at the rate of ten per centum per annum shall thereupon be collected by such treasurer by the sale of the lands and premises, in the same manner and subject to the same provisions, as in the case of the sale of non-resident lands or arrears of municipal taxes.

5. In order to prevent the waste of water, and settle disputes arising therefrom, as to the quantity consumed, the said Commissioners empowered to use Water Meters. Water Works Commission are empowered to place water meters upon any service pipe or connection, within or without any house, or building, where water is used, as they may deem expedient, and for this purpose, and for the purpose of protecting, or of regulating the use of any such meter, to set or alter the position of the same, or of any pipe connection, or tap, and to fix the price to be paid for the use of any such meter, and the times when, and the manner in which, the same shall be payable, and also to charge for and recover the expense of such alterations, and such price, and the expense of such alterations may be collected in the same manner as water rates, and shall be a lien upon the real estate to the same extent, and neither the meter, nor any fittings thereto belonging, shall be subject to, or liable for rent by the possessor, or owner, of any premises wherein the same may be.

6. Any person who shall wilfully alter any meter, placed as Penalty for altering meters. in the last section mentioned, so as to lessen or alter the amount of water registered thereby, or so as to cause the quantity registered, or used, to be falsely indicated, shall incur a penalty of not less than five dollars, nor more than one hundred dollars, to be recovered with full costs, on summary conviction before any Justice of the Peace having jurisdiction in the locality in which the said offence is committed, and in case such penalty and costs are not paid forthwith, such Justice of the Peace may commit the offender to the common gaol of the County of Lincoln, for any period not exceeding thirty days, unless the said penalty and costs are sooner paid.

7. The commissioners and their officers shall have the like Protection of Commissioners. protection in the exercise of their respective offices and the execution of their duties, as Justices of the Peace now have under the laws of this Province.

CHAPTER 80.

An Act to incorporate The Ontario Veterinary Association.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS Andrew Smith, of the City of Toronto, V. S., J. Wilson, of the City of London, V. S., J. T. Duncan, of the Town of Goderich, V. S., W. Cowan, of the Town of Galt, V. S., C. H. Sweetapple, of Brooklin, V. S., C. Elliott, of the City of St. Catharines, V. S., A. O. F. Coleman, of the City of Ottawa, V. S., J. Bond, of the City of Toronto, V. S., E. A. A. Grange, of the Town of Guelph, V. S., J. S. Cæsar, of the Town of Port Hope, V. S., J. D. O'Niel, of London, V. S., and others, who are all members of the present existing unincorporated association, known as The Ontario Veterinary Medical Association, have petitioned for the incorporation of themselves and others, as The Ontario Veterinary Association, and to be invested with the corporate privileges and powers hereinafter mentioned, setting out, among other things, that it is expedient that persons, wishing to employ a veterinary surgeon, should be enabled to distinguish between qualified and unqualified practitioners; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Title of Act.

1. This Act shall be known as "The Ontario Veterinary Act."

Incorporation.

2. The aforesaid persons, and all those who may hereafter become associated with them, shall be, and they are hereby constituted, a body politic and corporate, by the name of the Ontario Veterinary Association, having perpetual succession and a common seal, with power to sue and be sued, in all courts of law and equity in this Province, and to acquire, hold, and dispose of real and personal estate for the purposes of this Act;

Proviso.

Provided always, that the said association shall at no time acquire or hold any lands or tenements or interests therein exceeding in the whole, at any one time the annual value of five thousand dollars nor otherwise than for their actual use and occupation.

Qualification for registry.

3. Every person, resident in the Province of Ontario, and now possessed, or who hereafter may become possessed of any one or more of the qualifications described in the Schedule A to this Act, shall, on the payment of a fee of two dollars to the registrar of the association, be entitled to be registered, on producing to the registrar the documents conferring or evidencing

dencing the qualification, or each of the qualifications, in respect of which he seeks to be so registered, or upon transmitting by post to the registrar information of his name and address, and evidence of the qualification or qualifications in respect whereof he seeks to be registered.

4. Any person, who wilfully and falsely pretends to hold a certificate of registration under this Act, shall be liable to a summary conviction before any two or more justices of the peace for every such offence, and shall, on such conviction, be liable to a fine not exceeding fifty dollars or less than five dollars, which said penalty, in default of payment, shall be enforced by distress and sale of the offender's goods and chattels.

Penalty for practising without registration, etc.

5. All such fines, when the said association or some officer or member thereof is the prosecutor, together with the fees for registration, shall become and form part of the funds of the said association.

Application of fines, etc.

6. The by-laws, rules, and regulations of the now existing unincorporated Veterinary Medical Association of Ontario, now in force, shall be, and continue to be, the by-laws, rules, and regulations of the said corporation, until amended or repealed.

By-laws of present association continued.

7. The said corporation shall have power to make and establish by-laws, rules, and regulations for its government, as they may deem expedient and necessary for the interest and administration of the property and affairs of the said corporation; for the employment of a registrar and treasurer, and such clerks, officers, and servants as may be necessary; for regulating the mode of voting at all meetings, and for all or any of the purposes within the powers of this Act, and for the administration of their affairs generally, and further to amend and repeal such by-laws from time to time, in manner provided by such by-laws.

Power to make by-laws.

8. No member of the corporation shall be liable for any of the debts thereof beyond the amount of the annual subscription of such member, which may remain unpaid.

Liability of members.

9. Until others are elected the present officers of the said existing unincorporated Ontario Veterinary Medical Association shall be those of the corporation constituted by this Act, and shall have all the powers given by this Act and by the said existing by-laws and rules, which are not contrary to law.

Officers of present association to remain in office.

10. Every person who shall be registered under the provisions of this Act shall be entitled, according to his qualification or qualifications, to practise as a veterinary surgeon in the Province of Ontario, and to demand and recover, in any court of law, reasonable charges, for professional aid, advice, and visits,

Rights of registered persons.

visits, and the cost of any medicine, or other medical or surgical appliances rendered or supplied by him, as such Veterinary Surgeon.

Register to be published.

Register to *prima facie* evidence.

Proviso.

Provisions in case of persons convicted of felony.

Prosecutions and application of moneys recovered.

Witness fees.

Time Act to take effect.

11. The registrar shall, from time to time, cause to be printed and published a correct register of the names, in alphabetical order, according to the surnames, with the respective residences, in the form set forth in Schedule B to this Act, or to the like effect, together with the medical titles, diplomas, and qualifications conferred by any college or body, with the dates thereof, of all persons appearing on the register as existing on the day of publication; and such register shall be called The Ontario Veterinary Register, and a copy of such register for the time being, purporting to be so printed and published as aforesaid, shall be *prima facie* evidence, in all courts, and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of this Act; and the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act: Provided always that, in the case of any person whose name does not appear in such copy, a certified copy, under the hand of the registrar, of the entry of the name of such person on the register, shall be evidence that such person is registered under the provisions of this Act.

12. Any registered veterinary surgeon who shall have been convicted of any felony, in any court, shall thereby forfeit his right to registration, and his name shall be erased from the register, or, in case of a person known to have been convicted of a felony, who shall present himself for registration, the registrar shall have power to refuse such registration.

13. All prosecutions against any one acting in contravention of the provisions of this Act shall take place in accordance with the Summary Proceedings Act, and all moneys payable to the said Association under this Act shall be paid to the registrar, and may be applied for the purpose of carrying this Act into execution.

14. Every person duly registered under this Act shall, when subpoenaed as a witness to give professional evidence, be entitled to the sum of four dollars a day, besides his travelling expenses.

15. This Act shall take effect from and after the first day of July, one thousand eight hundred and seventy-nine.

SCHEDULE A.

(Section 3.)

1. Graduates of the Ontario Veterinary College.
2. Graduates of the American Veterinary College of New York.
3. Graduates of the New York Veterinary College of New York.
4. Graduates of the Columbia Veterinary College of New York.
5. Graduates of the Montreal Veterinary School.
6. Graduates of any of the recognized Veterinary Colleges of Europe.

SCHEDULE B.

(Section 11.)

NAME.	RESIDENCE.	QUALIFICATION AND ADDITION.
A. B.	Toronto, County of York.	

CHAPTER 81.

An Act to incorporate the Industrial Exhibition Association of Toronto.

[Assented to 11th March, 1879.]

WHEREAS Angus Morrison and others hereinafter Preamble.
named have, by their petition, prayed that an association may be incorporated for the purpose of promoting industries, arts, and sciences generally, and of establishing and holding agricultural, industrial, art, and other exhibitions at the City of Toronto; and whereas it is expedient to grant the prayer of the said petition;

R

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. Angus Morrison, John Jacob Withrow, Philip Armstrong, James McGee, Patrick George Close, Alexander McGregor, Andrew Smith, William Rennie, George Leslie the younger, William F. McMaster, Thomas Davison, Lucius R. O'Brien, Edward Gurney the younger, H. P. Dwight, and E. B. Shuttleworth, and others, the several representatives of the several societies, corporations and associations hereinafter named, together with all such other persons and representatives of other corporations, societies and associations as shall, under the authority of this Act, be associated with them in and become members of the corporation hereby created, shall be a body politic and corporate, by the name of the Industrial Exhibition Association of Toronto, and, by that name, shall and may have perpetual succession, and a common seal, with power to break and alter the same, and, by that name, shall and may sue and be sued in all courts of law and equity in this Province; and the said corporation shall have their principal place of business at Toronto, but may open such office or offices at such places as may be found necessary or convenient for the purposes of their business.

Exhibitions authorized.

2. The said association is hereby authorized and empowered, either permanently or periodically, in structures, buildings, enclosures, and places located in the City of Toronto or the Township of York, suitable for exhibition purposes, and for the promotion of industries, arts, and sciences generally, to exhibit any and every variety of thing and being, found in animal and vegetable life, and every kind and variety of mineral; to exhibit products, wares, goods, merchandise, machinery, mechanical inventions, and improvements of every nature, name and kind, and such as are generally exhibited at fairs, including the various processes of manufacture; to exhibit paintings and statuary of any and every nature and kind; to exhibit and develop the points and qualities of the several breeds of horses and other animals, by such competitive tests as may be humane and proper, and as may be deemed expedient, and to make such other exhibitions as will be in conformity with the purposes and objects of this Act; and the said association is hereby further authorized, but only for the carrying on and maintaining the business aforesaid and such other business as may be hereafter mentioned, to hold, own, and acquire, by lease, purchase, gift, or otherwise, property, real and personal, at such prices and on such terms and conditions as may be agreed upon, and may improve and use the same, by the construction of such buildings, houses, works, and improvements as are necessary, and as may be deemed proper; and the said association is hereby further authorized to cultivate such portions of their grounds as they may deem proper for the propagation of plants, trees, shrubs, or other

Authority to acquire and dispose of property.

other things of a vegetable nature, and also to manufacture and raise articles and things required in the various exhibitions contemplated; and to sell, mortgage, lease, or otherwise dispose of any property at any time held by the said association: Provided always, and it is enacted, that the said association shall at no time acquire or hold any lands or tenements, or interests therein, exceeding in the whole, at any one time, the annual value of twenty thousand dollars, nor otherwise than for actual use or occupation for the purposes of the said corporation; Provided that said Association shall not hold their annual exhibition during the week in which the Provincial Fair is held. Proviso.

3. The said association is hereby authorized to charge such admission fees as may be deemed proper to receive for exhibiting every thing contemplated by this Act; to charge such entrance fees, and to award, give, and pay to exhibitors such prizes, medals, and honorary distinctions as they may deem proper, and to let or lease stalls, stands, rooms and places in any of their buildings or structures, or in any part of their grounds or property, upon such terms and conditions, and for such purposes, as the board of directors may deem best for the interests of the said association. Entrance fees,
prizes, etc.

4. The Mayor of the City of Toronto, the Treasurer of the City of Toronto, the Chairman of the Executive Committee of the Council of the Corporation of the City of Toronto, and the standing committee thereof known as the Committee on Exhibitions (nine members), the directors of the Toronto Electoral District Society (twelve in number), the Warden of the County of York, and two representatives being members of the County Council of the County of York, to be named and appointed by the said council at the time of the appointment of the several standing committees thereof for the year; five representatives, being members of the Manufacturers Association of Ontario, representing five of the leading manufactures or industries, to be appointed at the annual meeting thereof; two representatives of the Educational Department for Ontario, to be named and appointed by the Minister of Education; two representatives from each of the several corporations, associations, organizations, societies and public bodies following, that is to say: The Ontario Society of Artists, The Toronto Mechanics Institute, The Toronto Horticultural Society, The Board of Trade of Toronto, The Stock Breeders Association of Ontario, The Canadian Institute, The Fruit Growers Association of Ontario, the Lumbermen's Association of Ontario, The Ontario Veterinary Association, The Poultry Association of Ontario, and the Ontario College of Pharmacy, such representatives to be named and appointed by the said several corporations, associations, organizations and societies at their annual meeting for the election of officers; one representative from each of the following corporations, Members of
association.

porations, associations, or bodies, namely: The Dairymen's Association of Eastern Ontario, The Dairymen's Association of Western Ontario, The Millers' Association of Ontario, and the Corn Exchange of Toronto, such representatives to be named and appointed by the said several societies, corporations and associations at their annual meeting for the election of officers; such number of representatives of such other corporations, associations, organizations, or societies not named above as may from time to time, upon application to be made by such corporations, associations, organizations or societies, be admitted to the said Industrial Exhibition Association of Toronto by vote thereof, at the annual meeting thereof, upon such terms and conditions, and under such regulations and restrictions as may be made and determined by the Board of Directors and sanctioned by the association at its annual meeting, and all such other persons as the board of directors may by by-law admit to membership, as hereinafter provided, shall constitute the said Industrial Exhibition Association of Toronto, and the said several persons and representatives named, or hereafter to be admitted under the provisions of this Act, and the by-laws of the said last mentioned association, shall be the members of the said Industrial Exhibition Association of Toronto.

Provisional
directors.

5. The said Angus Morrison, John Jacob Withrow, Philip Armstrong, James McGee, Patrick George Close, Alexander McGregor, Andrew Smith, William Rennie, George Leslie the younger, William F. McMaster, Thomas Davison, Lucius R. O'Brien, Edward Gurney the younger, H. P. Dwight and E. B. Shuttleworth shall be provisional directors of the said Industrial Exhibition Association of Toronto to organize said association, and shall hold office until the election of directors, as hereinafter provided.

Meeting for
first election
of directors.

6. Forthwith, after the passing of this Act, the said provisional directors, or a majority of them, shall notify, in writing, the several corporations, organizations, persons, associations and societies specially mentioned in section four of this Act, of the provisions of this Act, and shall, at the same time, request each of them to name and appoint representatives (where the same are provided for in this Act) to the said Industrial Exhibition Association of Toronto pursuant to the provisions of this Act, which appointment shall be evidenced by the corporate seal of each of the said several societies, organizations, associations or corporations, or, by a certificate, signed by the presiding officer and secretary or clerk of such organization, society, corporation or association, as the case may be; and such notice shall likewise contain a statement of the time and place of holding the first meeting of the members of the association for the election of directors and such other business as may require to be done at such meeting, a copy of which notice shall also be published once in each week for two weeks before

before the time appointed for such meeting, in one of the newspapers published in the City of Toronto.

7. At the first meeting of the members of the association hereby incorporated, for the election of directors, each member of the association, being a representative, shall produce to the said provisional directors a certificate, under the seal of the corporation, association, society, or organization which he represents, or, under the hand of the presiding officer and secretary, of his due and proper appointment; and the said provisional directors, or a majority of them, shall, at the time of such election, cause a list of all duly qualified members of the association hereby incorporated to be made out and placed upon the table, and only the persons whose names shall appear upon such list shall be eligible as directors, or entitled to vote for directors, and upon such other matters, questions and things as may be presented for the consideration of the meeting.

Qualification
of directors
and voters.

8. In the event of no appointment of representatives under the provisions of this Act having been made, from any cause, by any of the societies, corporations, organizations or associations specially named in the fourth section thereof, before the time fixed by the provisional directors for the holding of the meeting for the election of directors of the said association hereby incorporated then, and in every such case, the president, vice-president, chairman, or other presiding officer, and the secretary of the association, organization, corporation, or society so having failed to make such appointment, shall be the representatives of such association, organization, corporation, or society, and shall be *ex officio* members of the corporation hereby created, until the appointments contemplated by this Act shall have been made, and shall be entitled to vote at all meetings of members of the said last mentioned association.

Representa-
tion of socie-
ties which
have not made
any election.

9. The board of directors shall consist of not less than fifteen nor more than twenty (a majority of whom shall be resident in the City of Toronto), to be determined at the meeting to be held, as provided for in the seventh section of this Act; such election and every question voted on at such meeting shall, if demanded by two members, be decided by ballot by a plurality of votes of the members of the association hereby incorporated present in person and voting at the meeting; the directors so chosen shall immediately elect one of their own number to be president, and two others of them to be vice-presidents, which president, vice presidents, and directors shall continue in office for one year, and until others shall be chosen to fill their places, as may be provided for by the by-laws of the said association; and if any vacancy shall at any time happen, by death, resignation, or otherwise, in the office of president, vice president, or directors, the remaining directors shall supply such vacancy

Number of
directors, etc.

by

by the appointment of some member of the association for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors or such other day as may be fixed by by-law, as hereinafter provided and mentioned.

Powers of
directors.

10. The directors shall have full power to make all by-laws, rules and regulations not inconsistent with the provisions of this Act, for the management of the association hereby incorporated, the securing of the cash fund hereinafter mentioned, and the collection thereof, and the securing of the guarantee subscription fund, as also hereinafter mentioned, and the rating of assessments thereon, and the collection of such assessments, as the same may be required; the acquisition of exhibition grounds and buildings, by purchase, lease, agreement, or otherwise, and the selling, leasing, mortgaging, or otherwise disposing of the same, as occasion may require; the acquisition and management of all property, whether real or personal, which may be required for the purposes of, or in connection with, the exhibition, or other business and operations of the said association, and the sale or other disposal thereof, when no longer required for such purposes; the entering into any and all arrangements, agreements, and contracts, with any person, or corporation, society, or association, as the same may become necessary to carry out the objects of the said association; the admission of other persons as members, and of other corporations, societies, associations, or organizations than those named in this Act, to be represented in the said association hereby incorporated, and the terms and conditions of such admission; the fees (if any) to be paid by members of the association; the holding of exhibitions, annual or periodical; fixing the time for the annual meeting, and the calling of general, special, and other meetings of the association; the appointment, removal, and remuneration of all officers, agents, clerks, workmen and servants of the association; the admission fees to be received from persons visiting their exhibitions; the entrance fees to be charged to exhibitors; the general management of all exhibitions, and in general to do all things and make all contracts and agreements that may be necessary to carry out the objects and exercise the powers incident to the association.

When society
may com-
mence opera-
tions.

11. Before the directors of the said association shall undertake the holding of any exhibition or commence the business and operations contemplated by this Act, they shall secure or have on hand a cash fund of not less than ten thousand dollars, and also a guarantee fund or subscription of not less than twenty thousand dollars, to be used and applied for the purposes and objects for which the said association is hereby incorporated.

12. Notwithstanding anything contained in the Act passed by the Parliament of the Province of Ontario, in the fortieth year of the reign of Her Majesty, chaptered seventeen, intituled "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures," it shall and may be lawful for all or any of the several societies, corporations, organizations, and associations named in the fourth section of this Act, and for all or any of the corporations, associations, organizations, or societies formed, or hereafter to be formed, under the provisions of the said Act, and they, and all and every of them are hereby authorized and empowered, through their several and respective councils or boards of directors, or committees of management, and officers, to enter into any arrangements and to make any agreements and contracts with the board of directors of the association hereby incorporated for the holding of exhibitions, and taking part in the exhibitions to be holden by the said association, and otherwise promoting the objects contemplated by this Act, and may aid the same with any funds and moneys belonging to any such association or society not otherwise specially appropriated by any statute of this Province.

Certain societies authorized to make agreements with and aid association.

13. The municipal council of any city, town, village, county or township, in this Province, may grant money, and the municipal Council of the City of Toronto, the Township of York, or the County of York, may grant land in aid of the said association, or may lend or grant aid by way of bonus to the said association out of any moneys belonging to the municipality, and may effect such loan, or grant such aid, upon such terms and conditions as may be agreed upon between said association and the council of the municipality making such loan or granting such aid, and may recover the money so lent and may appropriate the moneys so recovered to the purposes of such municipality: Provided always, that no municipal council of any city or county shall in any one year grant any such money or bonus to any greater extent than five thousand dollars, and no other municipal council shall in any one year grant any such money or bonus to any greater extent than five hundred dollars, nor shall any land be so granted or given under the provisions of the Municipal Act as to by-laws for raising, on the credit of the municipality, money not required for its ordinary expenditure, and not payable within the same municipal year, such provisions being those which require and relate to the assent of electors and otherwise.

Aid from municipalities.

Proviso.

14. In any action for the recovery of assessments or arrears on assessments, upon any guarantee subscription or fund, in aid of the association hereby incorporated, subscribed for under the authority of this Act, it shall be sufficient for the said association to allege that the defendant, being a subscriber to the said fund, and for an amount to be named,

Actions for calls and assessments.

is

is indebted to the association in respect of assessments made upon the amount of such subscription, in the sum due, whereby an action hath accrued to the association by virtue of this Act; and at the trial it shall only be necessary to prove that the defendant was a subscriber to the said guarantee fund for such an amount, and that such assessment was made according to the by-laws and rules of the association; it shall be unnecessary to prove the appointment of the directors who made such assessment, or any other matters whatsoever, except what is before declared, and a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the association, certified to be a true copy or extract, under the hand of the president or vice-president, or the manager or secretary of the association, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute, or entry, without further proof thereof, and without proof of the official character of the officer signing the same, or of the corporate seal.

Agreement
with municip-
alities.

15. The council of any municipality and the association hereby incorporated, and the directors thereof, are hereby respectively authorized to make and enter into any agreements or covenants relating to the holding of any exhibition, and granting and accepting aid for the same, and for the furnishing and providing exhibition grounds and buildings suitable for the purposes of the said association, and for the representation of such municipality in the said association, by the appointment of members of the council thereof as representatives to such association, and all representatives so appointed in pursuance of any such agreement shall become members of the said association, and entitled to vote upon all matters and questions submitted or voted upon at all meetings of the association, and every such council may pass by-laws for all and every of the purposes aforesaid and in furtherance of the objects contemplated by this Act, as occasion may require; but subject to the special provisions contained in section thirteen of this Act.

Amalgama-
tion.

16. It shall and may be lawful for the association hereby incorporated to unite and amalgamate with "The Industrial Exhibition Company,"/incorporated under the Act passed by the Parliament of the Province of Ontario, in the fortieth year of the reign of Her Majesty, chaptered sixty-eight, upon such terms and conditions as may be mutually agreed upon between the directors of the said association and company, such agreement to be ratified by the vote of a majority of the members present and voting, at a special general meeting of the said association and company, to be called for the purpose, due notice of the holding of such meeting having been given in some newspaper published in the City of Toronto, at least two weeks before such meeting is held.

17. In the event of such union and amalgamation taking place, as is provided for in the next preceding section, the said amalgamated company and association shall thereafter form one company or association, under such name as they may adopt by such vote as aforesaid, having a common seal, and all the powers, privileges, rights and franchises theretofore enjoyed by the said association and company and the members thereof respectively, shall thereafter belong to and be enjoyed by the said amalgamated company or association; and the members of the said association and company shall be members of the said amalgamated company, and the directors of the said amalgamated company or association shall not exceed the number fixed by section nine of this Act, and they shall have all the powers conferred upon directors by this Act and the said Act incorporating the said company; and the said Act incorporating the said company and this Act shall be taken and read as one Act, so far as they are not inconsistent with each other, and subject to the terms and conditions contained in the agreement for the union and amalgamation of the said company and association; but where any of the provisions of the said Act incorporating said company and this Act are not consistent with each other, the provisions of this Act shall govern.

Rights of
amalgamated
company.

18. Sections seven, eleven, fourteen, fifteen, twenty-two, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-nine, forty-five, forty-six, forty-seven, one hundred and four, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, and one hundred and sixteen, of the Act passed by the Parliament of the Province of Ontario, in the fortieth year of the reign of Her Majesty, chaptered seventeen, and intituled "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures," are hereby incorporated with, and are to be taken and deemed as part of this Act, and shall apply to the said association, and to the exhibitions to be held by them as fully as such sections apply to the Agricultural and Arts Association, and to exhibitions held by such association, except in so far as they may be inconsistent with the enactments hereof, and the expression "this Act," when used herein, shall be understood to include the sections of the said last mentioned Act so incorporated with this Act as aforesaid.

Certain sec-
tions of 40
Vic., c. 17,
incorporated.

CHAPTER 82.

An Act to give further powers to the Petrolia Crude Oil and Tanking Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Petrolia Crude Oil and Tanking Company (a company incorporated under the Ontario Joint Stock Companies' Letters Patent Act, 1874,) have represented by their petition that the production of refined oil would be much cheapened by reason of the saving which would be effected in the cost of transportation of crude and distilled oils from the places of their production and distillation in or about Petrolia, in the County of Lambton, to refining establishments situated near the St. Clair River, or along or near the lines of the Sarnia, Chatham and Erie, the Grand Trunk, and Canada Southern Railway Companies, or otherwise in the County of Lambton, and that the price of refined oil for consumption in those parts of the Dominion of Canada, covered by said river or by said lines of railway would also be cheapened by the like saving in the cost of transportation by means of a pipe or pipes from some point or points in or near the Township of Enniskillen to the said river and to the lines of the said respective railways, and have asked that such additional powers may be granted them; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Additional powers conferred on the company.

1. The said company, in addition to its present powers, is hereby empowered to lay down, at a depth beneath the general surface of the ground of not less than three feet, a connected, and thereby a continuous, pipe or pipes in such sections as shall seem expedient in as near as may be, and as the surface of the country will reasonably admit of, or by deviations therefrom as circumstances shall make expedient, between any points in the County of Lambton at which the said company have, or may establish, a receiving station, or stations, at or near where the said crude, distilled or refined oils are or may be produced or manufactured and the works or delivering stations of the company in the Township of Enniskillen, or Town of Petrolia; and between points in or near the Township of Enniskillen, and points at or near the St. Clair River, in the County of Lambton, or at or near the lines of the Grand Trunk Railway Company, the Canada Southern Railway Company, and the Sarnia, Chatham, and Erie Railway Company, in the County of Lambton, or between all or any of such points that the company

pany may deem fit to lay such pipe or pipes for the purpose of carrying along or through the said pipe or pipes the crude oil, distillate or refined oils of petroleum, from the place or places of its production and manufacture in the County of Lambton aforesaid to the works and delivery stations of the company, and to points at or near the said river, or at or near all or any of the said railways, with such branches or subsidiary pipes diverging from the points aforesaid, or any of them as shall be deemed expedient for collecting together at the places of its production the said crude oil, distillate or refined oils of petroleum, and for delivering the same to vessels on said river, or to the said respective railways at or near their respective lines in the County of Lambton aforesaid, for carriage and for distributing or delivering the same to any other company or persons, or refiners on, or near to, the route or termination of such pipe line aforesaid, or elsewhere in the County of Lambton, and the said company is further empowered to erect, maintain, operate, and carry on, all such tanks, reservoirs, engines, machinery, houses, and erections, and all other matters and things whatsoever necessary or expedient for the said undertaking.

2. The said company, in addition to its present powers, is empowered to purchase, take, and hold, besides personal property, lands, tenements, hereditaments, and real property requisite and necessary for the purpose aforesaid, and proper and convenient for the construction, maintenance, use, and working of the same; and such lands, tenements, hereditaments, and real property, or any of them, or any part thereof, to sell, alienate, and convey, and others in their stead if deemed advisable to purchase, take, and hold from time to time for the purpose and uses aforesaid: Powers of company to acquire lands. Provided always that such lands, tenements, hereditaments, and real property, acquired for the purposes hereinbefore mentioned, shall not at any one time exceed fifty thousand dollars in value, and shall at all times be held exclusively for the construction, maintaining, operating, and carrying on the works and other the premises aforesaid and for the said purposes and uses, and not otherwise. Proviso.

3. The company, its servants, agents and workmen, may after ten days' notice to the warden of the County of Lambton, and to the mayor of any town or city, or to the reeve of any village or township through, or along, or across, any of the public highways, streets, or allowances for roads of which it proposes to run or lay the pipes, or any of them by this Act authorized to be run or laid, of its intention so to run or lay the said pipes, specifying the particular highway, street, or road, with respect to which the powers of this Act in that behalf are to be exercised, and the mode and manner of executing the same, which must be reasonable and in no way substantially interfering with the public use of the said highways, streets, or roads, enter upon any of the said highways, streets, and roads, Power of company as to roads.

Proviso.

roads, and do all things necessary thereto, and lay down the said pipes, and from time to time renew, repair, amend, maintain, and keep the same in a proper state and condition: Provided always, that in the exercise of the powers by this section granted, the company shall in no case interfere with the public use of any such highways, streets or roads, and shall be liable in damages to any individual who shall sustain any special injury in this behalf by reason of the default or negligence of the company in the premises, and shall without delay restore any road which they may break or dig up to the condition in which it was before they interfered therewith.

Power to
acquire lands.

4. The company, in addition to its present powers, shall have power and authority by its servants, agents, and workmen, to enter upon any lands of any person or persons, bodies politic or corporate, and survey and ascertain such portions thereof as it shall require for the purpose of the said undertaking, or such powers as it will require to exercise upon or in respect of the same lands for the purpose aforesaid, doing no actual or substantial damage, and when surveyed or ascertained, to contract and agree with the owners and occupiers of such lands for the purchase thereof, or for the exercise of such powers in respect of the same; and in case of disagreement in respect of the sum to be paid for the said lands or for the exercise of such powers in respect of the same, as the case may be, the company shall serve upon the owner of or party interested in the said lands, or, in the case of an incorporated company, upon the president, vice-president, secretary or treasurer, or other officer thereof, a notice in writing signed by its president, vice-president or secretary, specifying the particular lands proposed to be appropriated, or the powers proposed to be exercised in respect of any lands, particularly specifying both powers and lands, and naming a sum of money which the company offers and is ready to pay as compensation for the lands, or for exercising such powers in respect of the same, as the case may be, and naming a person as arbitrator, in case the sum offered is not accepted as compensation as aforesaid; and if the owner or party interested is unknown or if absent from said County of Lambton and his residence cannot be ascertained, then upon application to the Judge of the County Court of the said County accompanied by an affidavit of some officer of the company and by such other proof as will satisfy said Judge that the owner or party interested is unknown or is so absent and that after diligent inquiry the party on whom the notice ought to be served or his residence cannot be ascertained, the Judge shall order a notice as aforesaid to be inserted once in each week for four consecutive weeks in some newspaper published in the said county, and also once in each of said four weeks in some daily newspaper published in the City of Toronto; and thereupon the owner or party interested shall, within five days after being personally served with such notice, or within three weeks after the last publication

lication of such notice, as the case may be, notify the company in writing that he accepts the compensation offered (in which case he shall make a deed of conveyance to the company of the lands, or of the right to exercise the powers in respect of the lands mentioned in the notice), or that he refuses the compensation offered and that he has named an arbitrator, giving the name; and the two arbitrators so named shall within five days meet and name a third arbitrator, and the arbitrators so appointed shall within ten days inspect and take evidence, if offered, on the subject matter in controversy, and make their award in writing thereon, which being signed by two of the said arbitrators shall be final and binding on the parties to the said reference, subject, however, to be set aside or sent back for amendment as in the case of ordinary arbitrations: Provided, always, if the said owner or party interested should not name an arbitrator as required by the provisions of this section, or should the said two arbitrators not agree upon a third arbitrator, or should the said three arbitrators, or a majority of them not make their award according to and as required by the provisions of this section in that behalf, then in any of such cases or events, it shall be lawful for the company, on two days' notice to the said owner or party interested to apply to the Judge of the County Court of the County of Lambton, who shall thereupon appoint one person as sole arbitrator, whose award of and concerning the premises shall be final and conclusive, subject, however, to be set aside or remitted back to the said arbitrator to be amended as in ordinary cases of arbitration.

Disputes to be referred to arbitration.

Proviso.

5. After award made as in the last preceding section provided, and after tender by the company of the amount awarded, if any, and a deed of conveyance of the lands or of the powers to be exercised in respect of the lands, as the case may be, it shall be lawful for the company to take possession of the said lands, or to exercise the power in respect of the said lands, as the case may be, the same as though a conveyance had been executed: and the company may register the said award in the registry office of the registration division in which the said lands are situate, and pay the amount awarded into one of the superior courts in Ontario and file therein a copy of the said award, which shall operate as a conveyance to the company of the lands or the right to exercise a power in respect of lands.

When company may take possession of lands.

6. Sections thirteen, fourteen, fifteen and seventeen and sub-sections six, nine, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-four, twenty-six, twenty-seven and twenty-eight of section twenty of the Railway Act of Ontario, chapter one hundred and sixty-five of the Revised Statutes, shall, so far as applicable, be incorporated with, and be deemed a part of this Act, and shall apply to the said company, except only so far as they may be inconsistent with the express

Certain sections of Railway Act incorporated.

express enactments thereof, and said sections and sub-sections shall be applicable as well to the case of the purchase of such powers as the company may require to exercise upon or in respect to any lands for the purposes of this Act as in the case of the purchase of the lands itself.

Increasing
capital stock.

7. The directors of the said company, if they see fit at any time and from time to time, may make a by-law for increasing the capital stock of the company to any further amount, not exceeding two hundred thousand dollars beyond the amount of its present capital stock, which they may consider requisite for the due carrying out of the objects and extended powers of the company; such by-laws shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same is to be allotted, and in default of their doing so, the control of such allotment shall be held to vest absolutely in the directors; but no such by-law or by-laws shall have any force or effect unless sanctioned by the shareholders in conformity to the provisions of the Ontario Joint Stock Letters Patent Act, nor shall any such by-law require to be confirmed by supplementary letters patent.

Issue of paid
up stock.

8. The directors shall have power to issue paid up stock in the said company in payment of the price of real estate or powers in respect thereof, or of personal property required for the purposes of the said company or for the purposes of this Act, and such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of said company or of the creditors thereof to the same extent as if the amount of the same had been regularly called in by the said company and paid by the holder thereof in full, and this provision so far as respects stock heretofore issued by the company in payment of any real or personal property shall be deemed to have been incorporated in the original charter of the company.

Cost of arbi-
tration.

9. In all cases of arbitration, if the sum awarded exceeds the amount offered by the company in the notice in the fourth section of this Act mentioned, the company shall pay the costs of the arbitration and award; if equal to, or less than the amount awarded, the owners or occupiers shall pay the costs of the arbitration and award, which may be deducted from the compensation; and in either case the costs shall on notice be taxed by the Judge of the County Court of the County of Lambton.

Limitation of
actions against
the company.

10. Any action or suit brought against the company, or against any person acting under its authority, for anything done or omitted to be done under, or under colour of this Act shall be commenced within six months after the cause of action or suit arose, and not afterwards, and the defendant may

may plead the general issue and give this Act and the special matter in evidence under the said plea.

11. Nothing in this Act contained shall authorize or em- Laying down
pipes.
power the said company to lay down any pipe or pipes for any of the purposes mentioned in this Act within one hundred feet of any dwelling-house, unless with the consent of the owner or occupant of such dwelling-house, or unless said pipe or pipes is or are so laid down under a public highway or street, or unless the said pipe or pipes is or are so laid down on the land of some person other than the owner or occupant of such dwelling-house.

CHAPTER 83.

An Act respecting the Brockville Mutual Building Society.

[Assented to 11th March, 1879.]

WHEREAS the Brockville Mutual Building Society is a Preamble.
body corporate and politic, and is a corporation carrying on business as a building society, for raising, by monthly subscriptions of the several members, in shares not exceeding two hundred dollars, a stock or fund, to enable each member to receive out of the funds of the society the amount or value of his shares for the purposes mentioned in section two of chapter one hundred and sixty-four of the Revised Statutes of Ontario; and whereas the said society is one called a terminating building society, and according to the Act under which the same was formed, the said society has only power to lend to members; and whereas the said society is desirous of having power to lend the money to non-members; and whereas it is expedient to grant the power asked for;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said The Brockville Mutual Building Society may Lending
powers
extended.
lend money, in conformity with the laws of Canada, and with the laws authorizing the establishment of Building Societies in Ontario and the by-laws of such society, to any person or persons, or body corporate, at such lawful rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the said society; but all borrowers from said society shall be subject to all such rules as are in force at the time of their becoming borrowers, but not to any other rules.

Society may regulate payments of principal, &c.

2. Any principal money so advanced on mortgages may be repaid within such time as the Society directs and appoints, and as is specified in the mortgage, or assignment of mortgage, to be made in respect thereof, and by means of such revenues, rates, fines, rents, or profits as in that behalf are specified and agreed upon, and the society may do all lawful acts that may be necessary for advancing money and for recovering and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize, and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes.

By-laws respecting non-members.

3. The said society shall have power to pass by-laws and rules respecting those who are borrowers and non-members.

Existing by-laws to be in force.

4. The by-laws and rules of said society now existing and in force shall, so far as applicable, apply to such person or persons as may hereafter become borrowers of money from said society, who may not be members.

CHAPTER 84.

An Act to Incorporate the Prudential Life Assurance Company of Ontario.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS John Harvey, James Watson, James M. Williams, M.P.P., Alexander Harvey, and Henry T. Ridley, M.D., all of the City of Hamilton, Esquires, and others have, by their petition, prayed for an act of incorporation for the purpose of carrying on the business of Life Insurance under the name of the Prudential Life Assurance Company of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. All such persons as shall become shareholders of the said company shall be, and are hereby ordained, constituted, and declared to be, a body corporate and politic in law, in fact, and in name, by the style and title of the Prudential Life Assurance Company of Ontario, for the purpose of carrying on the business of life assurance, and doing all things appertaining thereto or connected therewith in the Province of

of Ontario; and shall, and may, have, perpetual succession; and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity, in their corporate name aforesaid, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure.

2. The capital stock of the said company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, with the privilege to increase the same from time to time by a vote of the directors at any ordinary or special meeting to two millions of dollars, which said shares shall be, and are hereby, vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act. Capital.

3. For the purpose of organizing the said company, the said John Harvey, James Watson, James M. Williams, Alexander Harvey and Henry T. Ridley shall be provisional directors thereof; and they, or a majority of them, may cause stock books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the daily papers published in the City of Hamilton, upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said company, and such books shall be opened in the City of Hamilton and elsewhere, at the discretion of the said provisional directors, and shall remain open as long as they deem it necessary; and the provisional directors are hereby authorized to receive from the shareholders a deposit of five per centum on the amount of their stock subscribed by them respectively, and to pay all costs and expenses incurred in the application for and obtaining this Act. Provisional Directors.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and five per centum of the amount so subscribed paid into one or more of the chartered banks of this Province, to be designated by the provisional directors, and not to be withdrawn therefrom except for the purposes of the company, the said provisional directors shall call a general meeting of shareholders at some place to be named in the City of Hamilton, giving, at least, ten days' notice thereof in the *Ontario Gazette*, and also in some daily newspaper published in the said city, at which meeting the shareholders present in person or by proxy shall elect nine directors, with power to increase the said number to twelve directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors and hold office for one year after their election. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company; and all such shareholders Election of Directors.

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holders Aliens.

holders shall be entitled to vote on their shares equally with British subjects and shall be also eligible to hold all offices as directors or otherwise in the said company.

Calls.

5. Subject as aforesaid the shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said directors shall appoint; no such instalment shall exceed ten per centum, and thirty days' notice shall be given of each call for any such instalment.

Forfeiture and sale of shares for non-payment of calls.

6. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him the directors may forfeit such share or shares together with the amount previously paid thereon in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act; Provided always that, in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what will be deemed necessary to pay such arrears, interest, and expenses.

Proviso.

Forfeited shares if unsold to revert to owners on payment of calls.

7. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls it shall be sufficient for the company to allege that the defendant being the owner of such shares is indebted to the said company in such sum of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the company by virtue of this Act; and on the trial it shall be only necessary to prove that the defendant was owner of the said shares in the company; that such calls were made and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls or any other matter whatsoever, other than what is before mentioned; a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the company, certified to be a true copy or extract under the hand of the president, or one of the vice-presidents, or the managing director or secretary of the company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute, or entry without further proof thereof and without proof of the official character or signature of the officer signing the same or of the corporate seal.

Pleading, evidence, etc.

8. No transfer of any share of the stock of the said company shall be valid until entered in the books of the said company according to such form as may from time to time be fixed by the by-laws; and until the whole of the capital stock of the said company is paid up it shall be necessary to obtain the consent of the directors to such transfer being made; Provided always, that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the directors; and no transfer of stock shall at any time be made until all calls made thereon have been paid in.

Transfer of stock:

Proviso.

9. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities thereof, but no further; and the shares shall be deemed personal estate.

Liability of shareholders.

10. The stock, property, affairs and concerns of the said company shall be managed and conducted by nine directors or such increased number as shall have been appointed as hereinbefore provided who shall hold office for one year; which directors shall be shareholders and be elected (after the expiry of the year for which the board to be elected under the provisions of the fourth section shall hold office) at the annual general meeting of the shareholders to be holden, at Hamilton or elsewhere in the Province of Ontario, as the directors may determine, on the anniversary of the first election of directors, and on the same or such other day in each following year as may be appointed by by-law, not less than ten days' notice of such meeting being given as provided in section four; the said election shall be held and made by such of the shareholders present in person or by proxy, as shall have paid all calls made by the directors and then due; and all such elections shall be by ballot; and the nine, or such increased number of persons who shall have the greatest number of votes at any such election shall be the directors except as hereinafter directed, and if two or more persons have an equal number of votes in such a manner that a greater number of persons than nine or such increased number as aforesaid shall appear to be chosen as directors, then the directors who shall have the greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the director or directors so as to complete the whole number of nine or such increased number; and the said directors (as soon as may be after the said election) shall proceed in like manner to elect, by ballot, one of their number to be president and one to be vice-president; and if any vacancy should at any time happen amongst the said directors by death, resignation, disqualification, or removal during the current year of office such vacancy shall be filled for the remainder of the year by the remaining directors or the majority of

Qualification and election of directors, etc.

Proviso.

of them electing in such place or places a shareholder or shareholders eligible for such an office; Provided always, that no person shall be eligible to be or continue as director unless he shall hold in his name, and for his own use, stock in the said company to the amount of fifty shares, of one hundred dollars each, whereof at least ten per centum shall have been paid in, and shall have paid all calls made upon his stock and all liability actually matured and incurred by him with the company.

Non-election of directors not to work a dissolution of the company.

11. In case it should at any time happen that an election of directors of the said company should not be made on any day when, pursuant to this Act, it should have been made, the said company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated, directed, and appointed by the directors for the time being; and the directors in office shall so continue until a new election is made.

Votes.

12. At all general meetings of the said company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes.

Annual meetings,

13. At the annual meeting of the shareholders the election of directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the company with a list of all the shareholders thereof, and all such further information as may be required by the by-laws shall be laid before the shareholders; special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the president, or in his absence the vice-president, or in the absence of both of them, a director or shareholder chosen by the shareholders shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as shareholder.

Quorum.

14. At all meetings of directors three shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the president, vice-president or presiding director shall give the casting vote in addition to his vote as a director.

15. The said company shall have power and authority to carry on the business of insurance on lives, to grant, purchase, and dispose of annuities, and to make and grant all policies therein and thereupon, and generally to do all matters and things appertaining thereto or connected therewith, in the Province of Ontario, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects; and all policies or contracts of insurance issued or entered into by the said company shall be signed by the president or vice-president and countersigned by the manager or secretary (or otherwise) as may be directed by the by-laws, rules, and regulations of the company, and being so signed and countersigned shall be deemed valid and binding upon the company according to the tenor and meaning thereof.

Powers of company.

16. The directors may, if they deem it expedient, accept the note of any member of the company or assignee of any of its policies in lieu of cash for the full amount or part of any premium; such note shall be dated and made payable at the head office of the company, and bear on its face the number of the policy against which it stands and shall be made payable at any time not exceeding three months; no greater amount shall be held in any such note or notes than one annual premium, and such note shall be a lien upon the policy and form part of its reserve fund.

Power to accept notes in payment of premiums.

17. Any certificate or obligation issued by the company agreeing to purchase one of its policies for a fixed sum during a stated period, when accompanied by the policy duly assigned or transferred, shall be negotiable and shall convey title to the policy to the party to whom it may be so assigned or transferred; and any policy taken out in favour of a wife, child, relative, or other person having a beneficial interest in the life of the insured shall not be liable to seizure by the creditors of the person so insured.

Certificate of agreement to purchase by company to be negotiable.

Certain policies exempt from seizure.

18. The company shall have power to acquire and hold real estate, not exceeding an annual value of five thousand dollars, for the purpose of its business within the Province of Ontario, and to sell and dispose of the same and acquire other property in its place as may be deemed expedient; and to take, hold, and acquire all such lands and tenements real, or immovable estate, as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the company in respect thereof or of the owners thereof; and to retain the same for a period not exceeding ten years; and

Power to acquire real estate.

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the company may invest its funds or any part thereof in the public securities of the Dominion of Canada or any of the Provinces thereof, or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality, authorized to issue bonds or debentures, or in mortgages on real estate or in such other securities and in such manner as the directors may elect; and may from time to time vary or sell the said securities or mortgage or pledge the same from time to time as occasion may require; the company shall have power to borrow money on the security of its debentures to an amount not exceeding one half of the amount of its paid up capital stock, and ten per centum of the amount of its reserve or assets requisite for the reinsurance of the company's outstanding risks; and the legal standard for computing such reserve or reinsurance fund shall be the same mortality tables used and the same rate of interest assumed in the computation of the company's rates of premiums for insurance.

Directors empowered to make by-laws, rules, etc.

19. The directors shall have full power and authority to make, and from time to time to alter by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the company, the management and disposition of stock, property, estates, and effects; the calling of special general meetings; the regulation of the meetings of the board of directors; the increasing or decreasing of the number of directors; the increasing of the capital stock; the appointment of a manager or secretary, or other necessary officer, and of local boards, to facilitate the details of business, and the definition of the duties and powers of such local boards; the making of calls upon the subscribed capital; the issue and allotment of shares; the appointment and removal of officers and agents of the company; the regulation of their powers and duties, and the remuneration to be paid to them; the regulation of the transfer of stock and the form thereof; the compensation of directors, and the establishment and regulation of agencies; the determining of rates, rules and conditions under which the company's policies shall be issued, transferred or repurchased.

Head office.

20. The chief place of business of the company shall be in the City of Hamilton or elsewhere in the Province of Ontario as the directors may determine.

Company not bound to see to execution of trusts.

21. The company shall not be bound to see to the execution of any trust whether express, implied or constructive in respect of any share; and the receipt of any stockholder, his attorney or agent in whose name the same may stand in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to

to

to see to the application of the money paid upon such receipt.

22. Every executor, administrator, tutor, curator, guardian, or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder. Trustees entitled to vote.

23. The directors of the company at a meeting held for such specified purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business; Provided always that no part of its capital be appropriated to such dividends, and also that a reserve or reinsurance fund sufficient to reinsure the company's outstanding risks, valued by the standard hereinbefore mentioned shall be maintained; the directors may also, by resolution, order that the holders of policies or other instruments shall be paid such proportion of the actual realized profits in such portions, at such times and in such manner as the said directors may think proper, and may enter into obligations so to do either by endorsement on the policies or otherwise; Provided always that the holders of the policies or other instruments so participating in the profits shall not be in anywise answerable or responsible for the debts of the said company. Dividends. Proviso. Proviso.

24. If the directors of the company declare and pay any dividend when the company is insolvent or any dividend the payment of which renders the company insolvent or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared do forthwith, or if any director then absent, do within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter publish such protest in, at least, one newspaper, published at, or as near as may be possible to, the head office of the company, such director may thereby, and not otherwise, exonerate himself from such liability. Penalty for paying dividends if such payment impairs capital. How director may avoid liability.

25. The said company shall be subject to all general laws which have been, or may hereafter be, enacted by the Legislature of the Province of Ontario in reference to companies carrying on the business of life insurance, and especially to the provisions of "The Ontario Insurance Act," being chapter one hundred and sixty of the Revised Statutes of Ontario. General laws as to life insurance to apply to company.

CHAPTER 85.

An Act to extend the powers of the Hand in Hand Mutual Fire Insurance Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Hand in Hand Mutual Fire Insurance Company has, by petition, prayed to be authorized to raise a share capital and to transact a cash premium business as well as a mutual business; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Stock.

1. The Hand in Hand Mutual Fire Insurance Company may raise a share or stock capital of not less than one hundred thousand dollars, and may increase the same from time to time to a sum not exceeding five hundred thousand dollars.

Shares.

2. The said capital shall consist of shares of one hundred dollars each, and shall be allotted ratably to such persons as may subscribe therefor, in the manner prescribed by the board of directors.

Liability of Shareholders.

3. Every subscriber shall, upon allotment of one or more shares to him, become a member or corporator of the said company, with all incidental rights, privileges and liabilities; and shall be liable to pay the amount of such shares to the company, in such proportions, and at such times as may from time to time be fixed by the board of directors; and at all meetings of the company each shareholder shall be entitled to one vote for each share held by him on which all calls shall have been paid; provided that no shareholder shall be liable for the debts, engagements, or liabilities of the company or otherwise howsoever, beyond the amount of his said shares or any balance unpaid thereof.

Proviso.

Transfer of shares.

4. The said shares shall be personal estate and shall be transferable, but no transfer shall be valid unless made on the books of the said company; and, until fully paid up no share shall be transferable without the consent of the board of directors, nor shall any transfer be valid while any call previously made remains unpaid; and the company shall have a lien on the shares of any shareholder for unpaid calls or other debts due by him to the company, and for any obligation held by the company against him, and after such call, debt, or obligation becomes due, the company may, upon one month's notice to the shareholder, his executors, or administrators,

Company to have a lien.

istrators, sell such shares or a sufficient portion thereof to pay such call, debt or obligation, and transfer the shares so sold to the purchaser.

5. The company may, also, after default made in the payment of any call upon any share for one month, and after notice having been first given as in the next preceding section mentioned, declare such share and all sums previously paid thereon forfeited to the company, and the company may sell or reissue forfeited shares on such terms as they shall think fit for the benefit of the company.

Forfeiture of shares.

6. After the sum of one hundred thousand dollars of the said stock or share capital has been *bona fide* subscribed, and twenty per centum paid thereon into the funds of the said company, the said company may make insurances for premiums payable wholly in cash ; but no insurance on the wholly cash principle shall make the insured a member or corporator of the company, or make him liable to contribute or pay any sum to the company or to its funds or to any other member thereof, beyond the cash premium agreed upon, or give him any right to any participation in the profits or surplus funds of the company, but the company shall not transact any such business on the wholly cash principle without first procuring a license from the Provincial Treasurer, and for this purpose the provisions of the Ontario Insurance Act, except section nine shall apply to the Company, except so far as anything contained therein may be inconsistent with this Act.

When company may commence business under this act.

7. The net annual profits and gains of the said company not including therein any premium notes or undertakings shall be applied, in the first place, to pay a dividend on the said share capital, not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company.

Dividends.

8. After the share capital has been raised, as aforesaid, no person shall be eligible or qualified to be a director of the said company, unless in addition to the qualification required by the fourteenth section of the Act respecting Mutual Fire Insurance Companies, he is also a holder of shares of the said capital stock to the amount of five thousand dollars, on which all calls have been fully paid and satisfied.

Qualification of directors.

9. The premium to be taken for every insurance by the company on the mutual principle shall consist of a sum of money to be paid in cash, and an undertaking in writing by the insured, to pay a further sum not exceeding the sum paid in cash, as the same shall be assessed and demanded by the company according to law and the by-laws of the company.

Premiums for insurance on mutual principle.

By-laws.

10. The board of directors may make such by-laws as may be necessary to carry the provisions of this Act into effect ; and may rescind, alter, vary, or add to the same from time to time.

Fire Policy Act.

11. The Fire Insurance Policy Act shall apply to the said company.

CHAPTER 86.

An Act to further amend the Acts Incorporating the Hamilton Gas Light Company.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Hamilton Gas Light Company have, by their petition, set forth that they desire to have their powers extended and that certain other amendments may be made in the Acts relating to the said company ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Additional powers as to manufacture and supply of gas, electric light, &c.

1. The Hamilton Gas Light Company are hereby authorized and empowered to manufacture and supply to customers gas for heating, cooking and all other purposes for which gas may at any time be capable of being used or applied, and to manufacture, use and supply to customers electric, galvanic, or any other artificial light, either in connection with gas or otherwise, and to acquire any rights, patent or other, for the manufacture or production or use of any light, and to manufacture, buy, sell or let for hire, all fittings, machines, apparatus and things required for the use of the company or its consumers.

Power as to alteration and erection of works.

2. The company may use their present works for the purposes aforesaid or any of them in connection with the manufacture of gas as now carried on by the company so far as may be practicable, and they may alter their existing works or erect new works upon their property, for the purpose of exercising the powers hereby authorized or any of them, and the provisions of the fifteenth, sixteenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-seventh, twenty-eighth, thirty-fourth and thirty-sixth sections of an Act to incorporate the Hamilton Gas Light Company (passed in the session held in the thirteenth and fourteenth years of the reign of Her Majesty, Queen Victoria, and chaptered one hundred and thirty-six)

thirty-six) shall extend and apply to, and may be used exercised and enforced in respect to, all works, pipes, apparatus, lamps and other articles which the company may desire to construct, use, work or set up, or which they shall so construct, use, work or set up, in the exercise of the increased powers by this Act created or any of them, in the same way and to the same extent but no further, or otherwise than the provisions of said sections extend and apply to the gas-works, pipes and apparatus now owned and used by the said company, and its customers in connection with the business of manufacturing and supplying of gas now carried on by the said company; Provided that the rights and powers granted to the said company, by this section, to make use of the streets, squares and public places of the City of Hamilton so far as the same relate to electric, galvanic or other artificial light as aforesaid, shall not be exercised, except under and subject to any agreement hereafter to be made between the company and the said city, and under and subject to any by-law or by-laws of the council of said city passed in pursuance thereof.

3. The capital and funds of the said company, and the additional capital authorized to be raised by the Act passed in the thirty-ninth year of the reign of Her Majesty, Queen Victoria, chaptered eighty-eight, may be used and applied in whole or in part for the purposes hereby authorized: Provided always that the consent of three-fourths in value of the stockholders be first obtained for that purpose, at a meeting to be called in the manner provided by the said Act.

4. The said company shall not be entitled by virtue of this Act to take possession or make use of private property, or to do any work thereon, under the compulsory powers of the company in that behalf, until the amount to be paid for or in respect of such property is ascertained by arbitration or otherwise, as the case may be, and is paid or tendered to the parties entitled thereto, or is paid into Court for their benefit.

CHAPTER 87.

An Act to amend the Acts respecting the Consumers' Gas Company of Toronto.

[Assented to 11th March, 1879.]

WHEREAS The Consumers' Gas Company of Toronto was incorporated for the purpose of supplying a cheap and effective mode of lighting the streets and places of the City of

of Toronto, and the area of the operations of the said company was by subsequent Acts extended to the Village of Yorkville and the Township of York; and whereas the said company alleges that other modes of producing artificial light have been discovered and that gas may be beneficially used as a cheap fuel for heating and cooking purposes, and has petitioned for an Act to amend its said Act of Incorporation and amendments thereto by authorizing said company to manufacture and use such other artificial light and to manufacture gas for such heating and cooking purposes, and for other amendments to their charter; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to manufacture gas for heating, &c.

1. It shall and may be lawful for the said company to manufacture and sell gas for heating, cooking and other than illuminating purposes.

Power to use electric light, &c.

2. It shall and may be lawful for the said company in substitution for gas or in connection therewith, or in addition thereto, to manufacture, use and sell electric, galvanic or other artificial light for the purposes set forth in their Act of Incorporation and amending Acts, and to manufacture, store and sell heat derived from other sources than coal-gas and also steam or other motive power obtainable by means of any illuminating or heating agent used in the manufactures of the Company.

Power to acquire patents.

3. It shall and may be lawful for the said company from time to time to acquire by purchase or otherwise any patent or other rights for the manufacture, production, use and sale of electric, galvanic or other artificial light or illuminant or gas for heating or cooking purposes, and to sell said patent or other rights or any of them if in the opinion of the directors unsuitable for the purposes of the company.

Company to enjoy existing powers and be subject to existing duties.

4. For the purpose of manufacturing and of distributing said light or illuminant, other than gas, and of manufacturing and of distributing said gas for heating or cooking purposes, and said steam or other motive agent or power, the said company shall have and enjoy all the powers and privileges now held and enjoyed by said company for the manufacture and distribution of gas for lighting purposes; and shall be subject to all the same duties that they are now subject to, so far as the said powers, privileges and duties *mutatis mutandis* are respectively applicable for the purposes of this Act, and for the purpose of manufacturing and distributing such artificial light or illuminant other than gas, and such gas for heating or cooking purposes, and such steam or other motive agent or power as aforesaid, the said company shall have the power from time to time to erect,

erect, alter, improve, enlarge, extend and renew or discontinue works, buildings, storehouses, including places for storing such gas, light, heat or motive power, motors, generators, poles and all other machinery and apparatus upon all lands now owned leased or used by the said company or hereafter to be owned, leased or used by the said company as authorized by its charter, and to lay down, set up, maintain, renew and remove in and upon and under the streets, squares and public places of the City of Toronto, the Village of Yorkville, the Village of Parkdale, and Township of York, all wires, tubes, pipes, posts and all other apparatus to enable said company to supply and distribute such gas or other light and steam or other motive agent or power, and all the provisions made by the said Act of Incorporation and amending Acts for the protection of the gas to be manufactured and distributed by the company thereunder, and for the protection of the property of the company and the penalties and liabilities imposed thereby on any person or persons injuring the same or illegally using the same shall apply to the gas and artificial light or illuminant and steam, or other motive agent or power as aforesaid which the company are hereby authorized to manufacture, and to the machinery, wires, apparatus and property of the company required for the manufacture and distribution and use by the company and its customers of such gas and artificial light or illuminant, steam or other motive agent or power as aforesaid: Provided that the rights and powers granted to the said company by this section to make use of the streets and squares and public places of Toronto, Yorkville, Parkdale, and Township of York, so far as the same relate to steam or other motive agent or power or to electric, galvanic or other artificial light or illuminant other than gas shall not be exercised except under and subject to any agreements hereafter to be made between the company and the said municipalities respectively or of any of them, and under and subject to any by-law or by-laws of the council or councils of the said municipalities, or of any of them, passed in pursuance thereof; and as to the right to erect poles and conduct such pipes or wires for the transmission of such steam or other motive power or of electric, galvanic or other light or illuminant other than gas through, under and along private property, the same shall be subject to sections eighty-two, eighty-three, eighty-four, and eighty-five of the Act respecting Joint Stock Companies for supplying cities, towns and villages with gas and water, chapter one hundred and fifty-seven, Revised Statutes of Ontario, and the said sections shall be read as forming part of this Act.

Proviso.

5. Section twenty-five of the said Act, passed in the eleventh year of the reign of Her Majesty, chaptered fourteen, is amended by inserting the word "or" between the words "landlords" and "for" in the third line of said section, and the said section as so amended shall apply to all the pipes, wires, machines, apparatus, stoves and all other property of the company

S. 25 of 11
V. c. 14
amended.

company required for the purpose of distributing said gas or light, or steam or other motive power which said company is hereby authorized to manufacture, or for its use by the said company or its customers.

Power to
manufacture,
&c., necessary
apparatus,
&c.

6. It shall be lawful for the said company, in addition to the powers granted by the fourth section of the Act of the Province of Canada, passed in the sixteenth year of Her Majesty's reign, chaptered one hundred and forty-two, to manufacture, make, buy, sell, lease, and let for hire all electro-motors, generators, machines, apparatus, lamps, stoves, and other things required for manufacturing, distributing and using the gas manufactured by them for lighting or heating or cooking purposes, and the electric, galvanic or other artificial light or illuminant manufactured by them, and said steam or motive power.

Contracts with
Corporations.

7. The said company on the one part and any municipal or other public corporation or body on the other may enter into and carry into effect contracts and agreements for one or more years for and with respect to the supply to such corporation or body of said gas, electric light or other illuminant, and such steam or other motive power as aforesaid, and any fittings required therefor and such corporation or body may apply their funds and rates for the purposes of this section.

CHAPTER 88.

An Act respecting the Public Burying Ground in the Town of Guelph.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Canada Company, being seized in fee of that parcel of land known as, and laid down upon the original plan of the town plot of the Town of Guelph as, a burying ground, and which said parcel is, with other lands and certain lanes, situate within the limits of Wyndham, Quebec, Yarmouth and Woolwich Streets, in the said town, dedicated the said parcel of land to the public, as and for a burying ground; and whereas the said Canada Company now claim no interest whatever in the said parcel of land so dedicated, and do not oppose this Bill, and the said parcel has, pursuant to a by-law of the Town of Guelph, ceased to be used for burial purposes for twenty-five years last past and upwards, and nearly all of the dead have heretofore been removed, and many persons living in the neighbourhood of the said parcel are, and have for a long time past been, improperly making use of the same for their private purposes; and whereas it is desirable that

that the said parcel should be devoted to some public use; and whereas the Corporation of the Town of Guelph have the right to inter bodies in the Union Cemetery and St. George's Cemetery in the Township of Guelph, and have prayed that the said parcel of land should be vested in the said town, to be used as a public park, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Corporation of the Town of Guelph, after the removal, as by this Act provided, of the bodies interred in that parcel of land known as the Burying Ground aforesaid, to have and to hold the said parcel of land, and, after the passing of this Act, the said parcel shall become and be vested in the said town, and shall be used and enjoyed as a public park, and the council of the said corporation is hereby authorized to pass by-laws from time to time for the care and regulation of the same; Provided always that if here- Burying
Ground vested
in the town to
be used as a
public park.
after said land is diverted to any other use or purpose than that of a public park, the right if any therein or thereto, had or claimed by the Township of Guelph, shall not be considered as affected or prejudiced by this Act. Proviso.

2. The said corporation is hereby authorized forthwith, after giving notice, as hereinafter mentioned, and at its own expense, to remove from the said burial ground, the remains of the dead therein interred, to the Union Cemetery or St. George's Cemetery, at the sole cost of such corporation, and to re-inter such remains decently and in order, and to re-erect any monument or headstone erected in said burial ground at the time of such removal, and, so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment, and so as that such re-interment shall be in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed. Removal of
bodies.

3. The said corporation shall, before removing the remains of the dead as aforesaid, give written notice to the relatives of the dead, when known, and, during the period of one month, publish a notice once in each week in each of the newspapers published in the said town, stating their intention to remove the said remains upon a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and that parties, if any, owning burial plots in the said Burial Ground will receive conveyances of burial plots in said Union Cemetery, or St. George's Cemetery, corresponding in size as nearly as may be with those lots from which the remains of the dead shall have been removed, and the said corporation shall be required to procure and furnish Notice of re-
moval of
bodies.
at

at their own expense such conveyances, and to pay all reasonable expenses incurred or sustained by such relatives in the removal of said remains; and no further or other notice to the friends or relatives of the deceased shall be necessary.

CHAPTER 89.

An Act respecting the Victoria College, at Cobourg.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Board of Victoria College, at Cobourg, have, by their petition, prayed for certain amendments to the Act chaptered seventy-nine, passed by the Legislature of Ontario in the thirty-eighth year of Her Majesty's reign; and whereas it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

S. 7 of 38
Vic. c. 79
amended.

1. The said recited Act is hereby amended by inserting after the word "College" in the fourth line of the seventh section the words "Provided that the dean of the faculty of theology shall be nominated by said board and appointed by the General Conference of the Methodist Church of Canada, or by the special committee of said conference when said conference is not in session;" and by inserting after the word "president" in the twelfth line of said section the words "dean of the faculty of theology."

S. 16 of 38
Vic. c. 79
amended.

2. Section sixteen is hereby amended by inserting after the word "college" in the second line, the words "four representatives of the graduates in arts, and one in each of the faculties of law, medicine and theology," and by striking out all words after the word "shall" in the sixth line and adding the following in lieu thereof, "determine the courses of study and qualifications for degrees, the appointment of examiners, and all matters strictly pertaining to the work of education, and also the time, place, and method of electing representatives of the alumni to the Senate."

3. Section nineteen shall be added to the said Act as follows:—

New Section
added.

19. In the election of representatives of the alumni to the Senate, all graduates of three years standing and upwards, in the faculty to be represented, who have registered their names as may be determined by the Senate shall be entitled to vote, and shall

shall be eligible for election : each representative shall be elected for a term of four years ; and on the expiry of such term, or on a vacancy occurring by death or resignation, a successor shall be elected ; but an election to fill a vacancy by death or resignation shall be for the unexpired period of the term only : Provided however that of the four representatives of Provis graduates in arts who shall be elected at the first election held under the provisions of this Act one shall retire at the end of each succeeding year in the order indicated by the number of votes polled, the person receiving the lowest number of votes retiring at the end of the first year.

CHAPTER 90.

An Act relating to the Toronto General Hospital.

[Assented to 11th March, 1879.]

WHEREAS the trustees of the Toronto General Hospital Preamble. acting under the authority of the sixth section of the Act passed in the thirty-ninth year of Her Majesty's reign chaptered sixty-five, intituled "An Act to amend the Acts relating to the Toronto General Hospital," did on the first day of January, one thousand eight hundred and seventy-seven, issue certain debentures numbered from number twenty-one to number twenty-five inclusive, amounting in all to the sum of ten thousand dollars, bearing interest at six per cent. per annum, and did negotiate the same and have applied the proceeds thereof in the erection of a Lying-in-Hospital upon the grounds of the said Toronto General Hospital, and in connection therewith ; and it may be questioned whether the said debentures could be issued for, or could be legally applied to, any other purpose than the payment and discharge of other debentures of the said trustees theretofore issued and then outstanding ; and whereas it is expedient that the said debentures should be legalized, and the issue thereof and the appropriation of the proceeds of the same be confirmed ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said debentures issued by the said trustees of the Toronto General Hospital, bearing date the first day of January, one thousand eight hundred and seventy-seven, numbered from number twenty-one to number twenty-five inclusive, for the sum of two thousand dollars each, amounting in the whole to the said sum of ten thousand dollars, shall be and are hereby declared to be, and from the issue thereof to have

Certain debentures legalized.

been good, valid, legal, binding and effectual, any law, usage or custom, to the contrary notwithstanding, and such issue of the said debentures is hereby confirmed.

Debentures a charge on real estate of hospital.

Appropriation of proceeds sanctioned.

S. 5 of 39 V c. 65 repealed and new section substituted.

2. The said debentures and the interest accrued and accruing thereon shall be and are hereby secured upon the real estate of the said Hospital, and the holders of the said debentures shall be deemed mortgagees thereof, in the same manner, in every respect, and to the same extent, as is provided in and by the said sixth section of the said Act for the other debentures of the said trustees, and the holders thereof; and the appropriation of the proceeds of the said debentures as set forth in the recital to this Act is hereby sanctioned and approved.

3. Section five of the above mentioned Act is hereby repealed and in lieu thereof the following shall be substituted:

(5) The said trustees shall also have power to appoint special medical or surgical attendants, not exceeding four in number, and also a staff of consulting Physicians and Surgeons, of not more than six persons; all of whom shall hold their positions in the same manner and for the same period as the medical staff—and the trustees may pass by-laws (subject to the approval of the Lieutenant-Governor in Council) for regulating the duties of the medical and consulting staffs, special or otherwise, and all matters and routine relating to medical attendants.

CHAPTER 91.

An Act to amend the Act Incorporating The St. Joseph Union Society, of the City of Ottawa.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS The St. Joseph Union Society of the City of Ottawa have petitioned that the Act incorporating the said corporation be amended in the manner hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following shall be added as section 5a of the said Act:

Money payable by Society to its members, exempt from seizure.

5a. Any sum of money not exceeding two thousand dollars due from or granted by the said corporation under its constitution or any of its by-laws, by way of aid or assistance to any of its members when sick, or to any widow or orphan child

child of a deceased member, shall not be liable at the instance of any creditor of any such member of the said corporation to seizure or attachment either before or after judgment : Proviso. Provided always that nothing in this section contained shall in any manner affect either the right of any creditor in respect to any sum of money due by the said corporation to any of its members by reason of any contract or undertaking between the said corporation and such member ; or any suit or proceeding at law or in equity now pending.

CHAPTER 92.

An Act to amend an Act to authorize the Churchwardens of St. James' Church, Toronto, to issue Debentures.

[Assented to 11th March, 1879.]

WHEREAS the churchwardens of St. James' Cathedral, Preamble. Toronto, have by their petition, represented that in carrying out the wishes of the vestry of the said cathedral they have been called upon to expend a greater sum than was contemplated when they applied for the Act passed in the thirty-seventh year of the reign of Her Majesty, chaptered ninety-two intituled, "An Act to authorize the Churchwardens of St. James' Church Toronto, to issue Debentures;" and that it is necessary to make provision for such expenditure ; and that for such purpose they desire to consolidate the debt of the said vestry at a greater sum, and to be empowered to issue debentures to a greater amount than was by the said Act authorized ; and whereas the holders of debentures already issued have consented and agreed to purchase the further debentures which it is proposed to issue under the authority of this Act ; and whereas it is expedient to grant the prayer of the said petition :—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The first section of the said Act is hereby amended by striking out the words "forty-five thousand dollars" where the same occur in said section, and by inserting in lieu thereof the words "seventy thousand dollars," and by striking out the words "fifty thousand dollars" where the same occur in the said section, and by inserting in lieu thereof the words "seventy-five thousand dollars;" S. 1 of 37 V. c 92 amended. Provided always that the additional Proviso. amount of debentures authorized to be issued by reason of this Act and the amendments thereby made and the interest upon such debentures shall only be, and shall in terms state that they are only a charge upon the lands, property and revenue mentioned

tioned in sections four and five of the said Act hereby amended next after the debentures authorized to be issued by said amended Act, and the holders of the said additional debentures, to be issued by virtue of this Act, shall only be deemed to be mortgagees and incumbrancers *pro rata* upon said revenue, lands, church and property next after the holders of the debentures already issued under said amended Act.

CHAPTER 93.

An Act to authorize the sale of certain lands in the Village of London East, heretofore known as the Methodist Cemetery.

[Assented to 11th March, 1879,]

Preamble

WHEREAS Murray Anderson, William McBride, Samuel McBride, Samuel Peters and John Elson, of the City of London, in the County of Middlesex, and Province of Ontario, have, by their petition, set forth that the lands and premises hereinafter more particularly described, to wit: all and singular that certain piece or parcel of land situate, lying and being in the Township of London, in the County of Middlesex, of the Province of Ontario, containing by admeasurement six acres and nine perches, be the same more or less; being composed of part of the north half of lot number eleven in concession C, in the said Township of London, and is butted and bounded or may be otherwise known as follows, that is to say: Commencing where a stone monument has been planted at the northern limit of land owned by the Great Western Railway Company, and in the limit between lots number eleven and twelve, as agreed upon by the owners and representatives of the said lots, which agreement has been duly recorded in the office of the Registrar for the County of Middlesex, and is to the effect that a straight line connecting the limits between the two fronts of the said lots in the said concession C, shall be taken as the true division line between the said lots; then north seventeen degrees and fifty-seven minutes, west along the said western limit of lot number eleven, and in the eastern limit of an allowance of one chain in width, laid out for a public road or street from the front of said lot number twelve upon the eastern limit thereof, four chains and forty-nine links to where a stone monument has been planted at the southern limit of an allowance of one chain in width, for a public road or street along the southern boundary of St. Paul's Church Cemetery; then north sixty-eight degrees and twenty-seven minutes east along the southern limit of the said allowance for road or street, nine chains and twenty-five and

and a half links to a stone monument; then south twenty degrees and fifty-two minutes east, true bearing, eight chains and forty-six links, more or less, to where a stone monument has been planted at the northern limit of the said land owned by the Great Western Railway Company; then north, eighty-eight degrees and thirty minutes west, along the limit of the said land of the Great Western Railway Company, ten chains and twenty-two and a-half links, more or less, to the place of beginning; were, by deed bearing date the twelfth day of October, in the year of our Lord one thousand eight hundred and fifty-four, granted to them and one George Tyas and one Samuel Glass (both since deceased) as trustees of the London Congregation of the Wesleyan Methodist Church in Canada, in connection with the English Conference (now called the Methodist Church of Canada) and to their successors, to be appointed as specified in a certain deed bearing date the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and fifty, and made between Joseph Bloor, of the Village of Yorkville, in the County of York, Gentleman, of the first part, Sarah Bloor, wife of the said party of the first part, of the second part, and the trustees of the Yorkville Congregation of the Wesleyan Methodist Church in Canada, of the third part, and registered in the registry office of the County of York, at twelve of the clock at noon of the twenty-fifth day of May, one thousand eight hundred and fifty, and inserted in the Book of Discipline of the said Wesleyan Methodist Church, in Canada, in connection with the English Conference, published by the Reverend Anson Green, at Toronto, in the year first mentioned in said deed, upon such and the same trust, and to and for such and the same uses and purposes, and with, under, and subject to such and the same powers, and to be controlled, disposed of and managed by the like authorities, trustees and persons appointed and to be appointed, and with the same duties and powers as are expressed, contained and declared in and by the said last mentioned deed; and that the said land and premises were set apart and used for the purposes of a cemetery or burying ground, known as the Methodist Cemetery, and a number of interments made therein; and that by reason of the erection of manufactories and workshops in close proximity to the said lands, and the increase of the number of dwellings and inhabitants in the vicinity, the same became unfit for the purposes of a burying ground, and no interments have taken place therein for about the period of four years; and that the said trustees having made arrangements with the Mount Pleasant Cemetery Company for burial plots in the cemetery established in the Township of London by the said company, which was incorporated under the laws of this Province, nearly all the bodies which had been interred in the burying ground first above mentioned have been removed, and there now remain but a few bodies interred therein, whose friends or relatives are known to the said trustees, and some having no friends or relatives, or having none that can be found,

found, and that the purchase of said plots in said Mount Pleasant Cemetery has entailed a large outlay on the said trustees; and whereas on the thirteenth day of November, one thousand eight hundred and seventy-three, the then trustees of the said London Congregation sold and conveyed a portion of the said lands to the Great Western Railway Company and duly received the purchase money thereof, and the trustees have prayed that an Act may be passed authorizing the removal by the trustees of the bodies interred in the said burying ground, confirming the said sale already made, and authorizing the sale of the remainder of said lands so granted to them as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Remains of
dead may be
removed.

1. The said trustees and their successors shall have full power and authority forthwith, after giving notice as herein-after required, to remove of their own accord, and at their own expense, and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in the lands and property above described, from the said place of interment to the Mount Pleasant Cemetery aforesaid, and the remains of the dead so removed in pursuance of the powers in this section granted, shall be reinterred at the expense of the said trustees, in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

Notice of
removal.

2. The said trustees, before removing the remains of the dead, as in the last preceding section authorized, shall during the period of two months, publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the City of London, which said notice shall set forth the powers in the said last preceding section granted, and that parties owning burial lots in the said premises known as the Methodist Cemetery, upon removing the said remains to the Mount Pleasant Cemetery, will receive conveyances of burying plots in the last named cemetery, corresponding in size, as nearly as may be, with those lots from which the remains of the dead shall have been so removed; and the said trustees shall be required to procure and furnish such conveyances, and to pay all reasonable expenses incurred or sustained in or by reason of such removal and reinterment of said remains in said Mount Pleasant Cemetery.

Power to lease
or sell lands.

3. So soon as all the bodies, which are now interred in the said burying ground first above mentioned, are removed as provided for above, the said trustees and their successors shall be, and they are hereby authorized to lease for any term of years, or to sell and convey in fee simple, or for any lesser estate,

tate, the whole of the lands and premises so granted to the said trustees as aforesaid, and particularly described above, save and except the portion thereof described in the sixth section of this Act, either together or in parcels, in such manner, for such prices, and upon such terms and conditions as may be deemed best by the said trustees, and they are authorized to so lease or sell and convey, as aforesaid, the said lands free and discharged of and from all right, title, interest, claim and demand of any person or persons who may have purchased lots for burial purposes in said parcel of land, or of their representatives; and the lots to be conveyed to such persons in the said Mount Pleasant Cemetery shall be accepted by the said persons in lieu of the lots purchased by them in the said burying ground first above mentioned, and in lieu of all right, title, interest, claim or demand they may have in respect thereof.

4. The said trustees shall not exercise the power to lease or sell, granted to them by the last preceding section, until after they have obtained the consent or authority of the Annual Conference of the Methodist Church of Canada, within the bounds of which the said lands are situate.

Consent of
Conference to
be obtained.

5. Should the said trustees sell the said lands or any parts thereof, and grant time for the payment of the purchase-money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof, mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and power of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

Trustees may
accept mort-
gages.

6. The sale made on the thirteenth day of November, in the year of our Lord one thousand eight hundred and seventy-three by the then trustees to the Great Western Railway Company of that portion of the lands and premises aforesaid described as follows, that is to say: Commencing where a stone monument has been planted at the northern limit of the land at the said date, owned by the said Great Western Railway Company, and the south-easterly angle of the land then owned by the said trustees; thence north twenty degrees fifty-two minutes west (true bearing) along the eastern limit of said cemetery lands, one hundred and thirty-nine feet; thence south forty-seven degrees twenty minutes west forty-one feet six inches; thence south sixty-eight degrees twenty-seven minutes west along the line between burial plots numbers thirty-five and thirty-six, and a continuation of the same course two hundred and fifty-four feet, more or less, to the northerly limit of land which at the said thirteenth day of November, one thousand eight hundred and seventy-three, was owned by the said the Great Western Railway Company; thence south eighty-eight degrees thirty minutes east along said northerly limit of railway lands three hundred and

Sale and con-
veyance to
Great Western
Railway con-
firmed.

and twenty-four feet, more or less, to the place of beginning, and the conveyance thereof bearing date on the day last aforesaid, executed and delivered by the then trustees, William McBride, Samuel McBride, Samuel Peters, Samuel Glass, Murray Anderson, and John Elson, to the Great Western Railway Company, are hereby confirmed and declared valid.

Leases and sales freed from certain trusts.

7. Every such lease or sale so made shall be freed and "discharged from all precedent trusts of every kind declared in, or referred to, by the deed bearing date the twelfth day of October, in the year of our Lord one thousand eight hundred and fifty-four, and the lessee or purchaser shall hold the same lands so demised or sold to him and his heirs, or interest therein, freed and discharged from the said trusts, as if the same had not been created or declared."

Form of conveyances.

8. All deeds and conveyances made under the Act may refer to this Act in manner or to the effect following:—

"This Indenture made the day of , in the year of our Lord , under the authority of an Act of the Legislative Assembly of the Province of Ontario, passed in the forty-second year of Her Majesty's reign, chapter , intituled "An Act to authorize the sale of certain lands in the Village of London East, heretofore known as the Methodist Cemetery."

CHAPTER 94.

An Act respecting the property of the congregation of St. Mary's Roman Catholic Church, Almonte.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS the Reverend John Francis Coffey, the priest, and members of the congregation of St. Mary's Church, in the Village of Almonte, in the County of Lanark, have shewn, by their petition, that, by an indenture, dated the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty, and made between Daniel Shipman, of the Township of Ramsay, in the County of Lanark, yeoman, of the one part, and the Right Reverend Remegius Gaulin, Bishop of Kingston, in the Province of Canada, and the Reverend John Hugh McDonagh, at that time the priest officiating in the Roman Catholic Church, Perth, of the other part, the said party of the first part did convey unto the said party of the second part, with other lands, the following lands and premises, that is to say: All and singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Ramsay, in the County of Lanark, and province aforesaid, containing

ing two acres, more or less, being a part of lot fifteen, in the north concession of the said Township of Ramsay, and which is butted and bounded, or may be otherwise known as follows: Commencing at the angle of the road which comes along the centre of the concession and turns down to the mill, and running along the centre of the concession north thirty-six degrees, west four chains, forty links; then south fifty-four degrees, west four chains, forty links; then north fifty-four degrees, east two chains, eighty-five links; then south thirty-six degrees, east two chains, fifty links; then south twenty degrees, west three chains twenty-four links, to the place of beginning; and more particularly known as village lot number thirty-nine, on Bridge Street, Almonte, as laid down on Bell's General Plan of said Village of Almonte; to have and to hold unto the said parties of the second part, their heirs and assigns in trust, to hold the said lands as places for a church and burying ground; and in the said Indenture a power was given to the said trustees, by writing under their hands, to nominate and appoint other trustees in the room and stead of the trustees so appointed; but the Catholic Pastor of the aforesaid Town of Perth for the time being was by said Indenture, to be always one of such Trustees; that on the said land is erected the Roman Catholic Church, known as St. Mary's Church, Almonte; that said trustees named in said deed have both departed this life without making any appointment or exercising the power above mentioned; that the said priest and congregation of said St. Mary's Church, in pursuance of the Act relating to the Property of Religious Institutions, chapter two hundred and sixteen of the Revised Statutes of Ontario, have appointed John Madden and George O'Brien, both of the Village of Almonte, gentlemen; Patrick Reilly, of the same place, hotel-keeper; Francis Doherty, of the same place, tailor; Timothy Riordan, of the Township of Ramsay, yeoman; Patrick Slattery, of the said Village of Almonte, merchant-tailor; James Dowdall, of the same place, barrister-at-law; John Slattery, of the said Village of Almonte, blacksmith; and Thomas Foley, of the Township of Ramsay, yeoman; trustees of St. Mary's Roman Catholic Church, in the said Village of Almonte, as trustees in place of said trustees deceased; but the Catholic Pastor of said Town of Perth, is not one of the said last mentioned Trustees; that the said last mentioned trustees thereby appointed, had, by Indenture dated the first day of November, one thousand eight hundred and seventy-eight, mortgaged the said lands to the Canada Permanent Loan and Savings Company, to secure eight thousand dollars and interest thereon, as therein set out, the said sum of eight thousand dollars being the amount of a debt contracted in the building, repairing and otherwise permanently improving said St. Mary's Church, situate on said lands; and whereas it was prayed in and by the said petition that an Act might be passed confirming the said appointment and mortgage, and vesting the said lands

in

in said trustees, to hold the same pursuant to and under the provisions of said recited statute ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment
of trustees
confirmed.

1. The appointment of the said John Madden, George O'Brien, Patrick Reilly, Francis Doherty, Timothy Riordan, Patrick Slattery, James Dowdall, John Slattery and Thomas Foley as trustees of St. Mary's Roman Catholic Church, in the Village of Almonte, is hereby confirmed, and the said persons and their successors in office are hereby declared to be trustees of said church, and the said lands are hereby, and by said appointment are declared to have been, vested in the said trustees and their successors, for all the estate, right, title and interest therein of the said original trustees, and the said trustees and their successors shall have, and are hereby declared to have acquired by virtue of said appointment, all the powers, privileges, and authorities in reference to said lands, which are enumerated in chapter two hundred and sixteen of the Revised Statutes of Ontario, as vested in trustees appointed under said Act, as fully and effectually as if the said trustees had been appointed under said Act, and the conveyance of said lands taken directly to themselves.

Mortgage by
trustees de-
clared valid.

2. The mortgage from the said trustees to the Canada Permanent Loan and Savings Company, dated the first day of November, one thousand eight hundred and seventy-eight, and hereinbefore referred to, is hereby ratified and confirmed, and declared to be valid and binding upon said lands and said trustees, in all particulars, as fully and effectually as if the same had been executed subsequently to the passing of this Act.

S. 10 of c. 216
R. S. O. to ap-
ply.

3. Section ten of chapter two hundred and sixteen of the Revised Statutes of Ontario, shall apply to the said congregation.

CHAPTER 95.

An Act to empower the trustees under a deed executed by Thomas Keenan, to sell certain lands.

[Assented to 11th March, 1879.]

Preamble.

WHEREAS by indenture bearing date the fourteenth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, by way of marriage settlement, and made

made between Thomas Keenan, of the Town of Lindsay (the father of Adelaide Macaulay therein named), of the first part, the said Adelaide Macaulay (then Adelaide Keenan), of the second part, the said Alexander Macaulay, of the third part, and George Kempt and the said Alexander Macaulay, of the fourth part, the said Thomas Keenan, in contemplation of the marriage of the said Adelaide Keenan to the said Alexander Macaulay, granted the lands therein to the said George Kempt and Alexander Macaulay as trustees on the trusts therein set out, which said deed contained a power of appointment as therein set out; and whereas the said Alexander Macaulay departed this life on the eighteenth day of November, in the year of our Lord one thousand eight hundred and seventy-seven, and by his last will and testament in writing, duly executed in manner required by the law of this Province, and dated the seventeenth day of November, in the year of our Lord one thousand eight hundred and seventy-seven, appointed the said Adelaide Macaulay and one William J. Macaulay guardians of his infant children; and whereas by indenture of appointment dated the twenty-first day of December, in the year of our Lord one thousand eight hundred and seventy-seven, under the power contained in said marriage settlement the said Adelaide Macaulay did nominate and appoint Arthur O'Leary, of the Town of Lindsay, Esquire, trustee in the place and stead of the said Alexander Macaulay, deceased, and by the said indenture of appointment did appoint the lands and premises therein set out to the use of Harriet Eleanor Anne Macaulay, George Macaulay, Thomas Denis Macaulay, James Sexton Macaulay, Adelaide Macaulay, Hilda Mary Macaulay, Henry Macaulay, and Alexander Herbert Macaulay, being all the children of the said Alexander Macaulay and Adelaide Macaulay; and whereas the said Adelaide Macaulay, Harriet Eleanor Anne Macaulay, George Macaulay, Thomas Denis Macaulay, James Sexton Macaulay, Adelaide Macaulay, Hilda Mary Macaulay, Henry Macaulay, and Alexander Herbert Macaulay, have, by their petition, prayed for the passing of an Act to empower the said George Kempt and Arthur O'Leary, trustees under the deed of trust by way of marriage settlement and the deed of appointment thereunder, dated the twenty-first day of December, in the year of our Lord one thousand eight hundred and seventy-seven, or the trustees or trustee for the time being of the said marriage settlement, to sell the lands mentioned in the said deed of marriage settlement, situate in the Township of Ops and the Town of Lindsay; and whereas the said Alexander Macaulay left no means or property available for the support, maintenance and education of his said children; and their mother, who is entitled to a life interest in the said settled estate, is willing to apply the proceeds of such sale towards their support, maintenance and education, during minority or until they marry; and whereas a portion of such settled estate is unproductive, and the annual income derivable from such estate is wholly insufficient to enable their said mother

mother to support, maintain and educate the said children ; and whereas it is expedient to grant the prayer of such petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Trustees to have power to sell certain lands.

1. The said trustees or the trustees or trustee for the time being shall have full power and authority to sell and absolutely dispose of all and every or any part of the lands situate in the Township of Ops and the Town of Lindsay, mentioned and set out in the said deed of marriage settlement, with the appurtenances as they in their discretion see fit, to any person or persons whomsoever, either together or in parcels, and either by public auction or by private contract, and for such price or prices in money, payable and to be secured by instalments, mortgages or otherwise, as to the trustees or trustee for the time being shall seem reasonable ; the consent in writing of the said Adelaide Macaulay to such sale being first obtained ; and any deed executed by such trustees as aforesaid shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any leases thereof or rights therein now existing or granted by competent authority prior to such sale, and freed from all trusts whatsoever contained in said deed of marriage settlement, and from all estates, rights and interests whatsoever of the widow and children of said Alexander Macaulay.

Investment of proceeds.

2. The proceeds of such sales, after payment of the expenses of obtaining this Act, and all proper and reasonable costs, charges and expenses of effecting and carrying out said sales, as the same may be from time to time paid, or as the same may come in from any investment, shall be invested by the said trustees or trustee, for the time being, in Government Stock or Securities of the Dominion of Canada, or upon the security of freehold and real estate of ample value in the Dominion of Canada, the consent in writing of the said Adelaide Macaulay being first obtained thereto, and the said trustees shall hold and apply the principal and interest, represented by or derivable from such sales and investments, upon the same trusts and for the same ends, intents and purposes expressed in the said marriage settlement, with respect to the said lands and subject to the same rules and incidents, with respect to the devolution thereof and otherwise, as if the lands still remained realty.

Purchaser not bound to see to application of money.

3. No purchaser or alienee shall be required to see to the application of the purchase money or other consideration in respect of any disposition made under this Act.

Care and maintenance of children.

4. The care of the persons of the said children and their education shall, after the passing of this Act, be given to the said Adelaide Macaulay, the mother of the said children, until they shall respectively attain the age of twenty-one years, or marry

marry, whichever shall happen first, unless the Court of Chancery for the Province of Ontario, or any Judge thereof, shall otherwise order; and the interest arising from the investment of the moneys to be received from the sale of the said lands shall, from time to time, be paid to her for the support, maintenance and education of the said children during minority or until they marry; and in the event of such interest not being sufficient in any year for the support, education and maintenance of the said children during minority, it shall be lawful for the said trustees, for the time being, to pay to the said Adelaide Macaulay out of the said principal sum an amount which, with the said interest, will be sufficient for the support, maintenance and education of the said children during minority or until they marry; and the receipt of the said Adelaide Macaulay for the amounts so to be paid to her for such support shall be sufficient discharge to the said George Kempt and Arthur O'Leary or the trustees or trustee, for the time being, and they shall take credit therefor in their accounts; and in the event of the said Adelaide Macaulay, the mother of the said children, dying, leaving them or any of them under age and unmarried, the care of the persons of such of the said children as shall be under age and unmarried, and their education shall be given to the said William J. Macaulay.

5. The trust and power of sale authorized by this Act are to be exercised within ten years from the passing thereof.

Trust to be
exercised
within ten
years.

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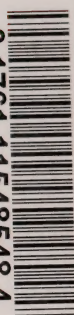
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